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THE STATUTES AT LARGE,

PASSED IN THE

PARLIAMENTS

HELD IN

IRELAND:

FROM

The Third Year of EDWARD the Second, A. D. 1310,

TO

The First Year of GEORGE the Third, A. D. 1761 inclusive.

WITH

MARGINAL NOTES, and a Compleat INDEX to the Whole.

PUBLISHED BY AUTHORITY.

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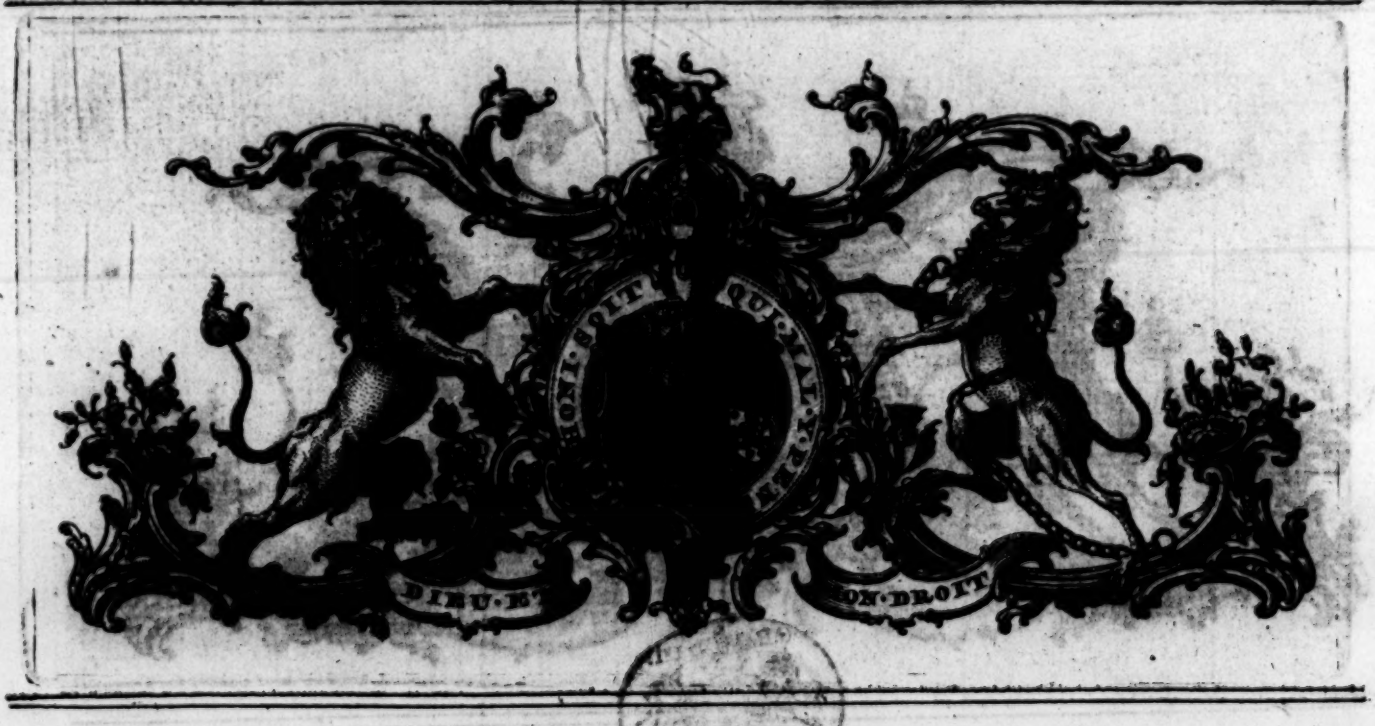

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THE STATUTES AT LARGE,

PASSED IN THE

PARLIAMENTS

HELD IN

IRELAND.

VOL. V.

Containing from the Eighth Year of GEORGE the First, A. D. 1721, to the Fifth Year of GEORGE the Second, A. D. 1731 inclusive.

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Printed by BOULTER GRIERSON, Printer to the King's Most Excellent Majesty. M DCC LXV.

STATUTES

AT LARGE

PASSED IN THE

PARLIAMENTS

HELD IN

THE

THE

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OF THE

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A. D. 1721.

A COLLECTION OF STATUTES.

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CHAP. I.

An Act for granting and continuing to his Majeſty the additional duties on beer, ale, ſtrong waters, tobacco, and other goods and merchandizes: and alſo upon all ſorts of wine, ſtrong waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine; and alſo for granting and continuing the further additional duties on beer, ale, aqua vitæ, and ſtrong waters, brewed and made in this kingdom; and upon brandy or ſpirits above proof; and on tea, coffee, chocolate, and cocoa-nuts; and alſo a tax on all ſalaries, profits of employments, fees, and penſions therein mentioned: and for ſecuring the re-payment of fifty thouſand pounds ſterling, formerly advanced to his Majeſty for the uſe of the publick, together with the intereſt thereof.

WE your Majeſty's moſt dutiful and loyal ſubjects, the commons of Ireland in Parliament aſſembled, having the deepeſt ſenſe of the many bleſſings we enjoy under your Majeſty's moſt glorious and auſpicious reign, and a delightful proſpect of a general peace, which is wholly owing (under God) to your

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conſummate wiſdom and unwearied endeavours for the repoſe and tranquility of Europe, with all thankfulneſs and humility own your Majeſty's great goodneſs towards us, and gratefully acknowledge your conſtant care and tender concern for the ſafety and welfare of this kingdom; and being highly ſenſible, that we cannot ſecure that happineſs and proſperity owing to your Majeſty's great care of us, or more effectually contribute to the ſtrengthning the proteſtant intereſt of this kingdom, than by making good the neceſſary branches of your eſtabliſhment, and ſecuring the repayment of that debt, which your Majeſty's faithful commons contracted to enable your Majeſty to put this kingdom into a poſture of defence, when a horrid and unnatural rebellion broke out againſt your Majeſty in Great Britain, have in the moſt chearful manner unanimouſly given to your Majeſty for the ſupport of your government, and defence of this kingdom, the ſeveral duties herein after mentioned; and for that end do humbly beſeech your Majeſty, that it may be enacted, and be it enacted, by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſeveral and reſpective additional rates, duties, and impoſitions upon beer, ale, ſtrong waters, tobacco, and other goods and merchandizes, granted and continued from the one and twentieth day of November one thouſand ſeven hundred and ſeventeen, until the one and twentieth day of November one thouſand ſeven hundred and nineteen incluſive, in and by an act paſſed in this kingdom in the fourth year of your Majeſty's reign, intituled, *An act for continuing to his Majeſty the additional duties on beer, ale, ſtrong waters, tobacco, and other goods and merchandizes*, and which were further granted and continued to your Majeſty from the ſaid one and twentieth day of November one thouſand ſeven hundred and nineteen, until the twenty fifth day of December one thouſand ſeven hundred and twenty one incluſive, by one other act paſſed the laſt ſeſſions of Parliament in this kingdom, intituled, *An act for continuing to his Majeſty the additional duties on beer, ale, ſtrong waters, tobacco, and other goods and merchandizes, and alſo on all ſorts of wines, ſtrong waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine, and alſo a tax upon all ſallaries, profits of imployments, fees, and penſions therein mentioned, and for continuing the further additional duty on ale, beer, and ſtrong waters and ſpirits perfectly made, and upon ſpirits made and diſtilled of wine, and for granting an additional duty on molaſſes, treacle, tea, coffee, chocolate, and cocoa-nuts, and for ſecuring the re-payment of fifty thouſand pounds* ſterling, *formerly advanced unto his Majeſty for the uſe of the publick, together with the intereſt thereof*, be further granted, continued, raiſed, collected, levied, and paid, unto your Majeſty, your heirs and ſucceſſors, from the twenty fifth day of December one thouſand ſeven hundred and twenty one until the twenty fifth day of December, which will be in the year of our Lord one thouſand ſeven hundred and twenty three incluſive.

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6 G. 1. 4.

II. And be it further enacted by the authority aforeſaid, That the ſeveral and reſpective other additional rates, duties, and impoſitions for and upon all ſorts of wines and ſtrong waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine imported into this kingdom, and likewiſe the further and other additional duties and impoſitions on beer, ale, *aqua vitæ*, and ſtrong waters, brewed, made, and diſtilled in this kingdom, and upon brandy or ſpirits above proof imported into this kingdom, granted to your Majeſty from the twenty firſt day of November one thouſand ſeven hundred and ſeventeen, until the twenty firſt day of November one thouſand ſeven hundred and nineteen incluſive, in and by one other act paſſed in this kingdom in the fourth year of your Majeſty's reign, intituled, *An act for continuing to his Majeſty an additional duty on all wines and ſtrong waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine, and alſo a tax on all ſallaries, profits of imployments, fees, and penſions, therein mentioned, and for granting a further additional duty on ale, beer, and ſtrong waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine, and for ſecuring the repayment of fifty thouſand pounds* ſterling, *formerly advanced unto his Majeſty for the uſe of*

4 G. 1. 2.

of the publick, together with the intereſt thereof, and which were further granted and continued to your Majeſty from the twenty firſt day of November one thouſand ſeven hundred and nineteen, until the twenty fifth day of December one thouſand ſeven hundred and twenty one inclusive, in and by the before mentioned act paſſed the laſt ſeſſions of this preſent Parliament, be further granted, continued, raiſed, collected, levied, and paid unto your Majeſty, your heirs and ſucceſſors, from the ſaid twenty fifth day of December one thouſand ſeven hundred and twenty one, until the twenty fifth day of December one thouſand ſeven hundred and twenty three inclusive.

III. And be it further enacted by the authority aforeſaid, That for the better levying and collecting the ſeveral rates and duties hereby granted and continued to your Majeſty all and every the rules, directions, powers, and authorities, relating to brewers mixing their beer and ale, and diſtillers diſtilling of ſtrong waters, and all penalties and forfeitures ariſing thereby and therefrom, given and granted in and by the before mentioned act paſſed in the fourth year of your Majeſty's reign, intituled, *An act for continuing to his Majeſty an additional duty on all wines and ſtrong waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine, and alſo a tax on all ſallaries, profits of imployments, fees, and penſions therein mentioned, and for granting a further additional duty on ale, beer, and ſtrong waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine, and for ſecuring the repayment of fifty thouſand pounds* ſterling, *formerly advanced unto his Majeſty for the uſe of the publick, together with the intereſt thereof*, and which were to continue from the twenty firſt day of November one thouſand ſeven hundred and ſeventeen until the twenty firſt day of November one thouſand ſeven hundred and nineteen inclusive, and which were further granted and continued from the ſaid twenty firſt day of November one thouſand ſeven hundred and nineteen until the twenty fifth day of December one thouſand ſeven hundred and twenty one inclusive, by the before mentioned act paſſed in this kingdom the laſt ſeſſions of this preſent Parliament, ſhall be and continue in full force to all intents and purpoſes, from the ſaid twenty fifth day of December one thouſand ſeven hundred and twenty one until the twenty fifth day of December one thouſand ſeven hundred and twenty three inclusive. 4 G. 1. 21

IV. And be it further enacted by the authority aforeſaid, That the ſeveral additional rates and duties upon all coffee, tea, chocolate, and cocoa-nuts, granted by the before mentioned act paſſed the laſt ſeſſions of this preſent Parliament from the firſt day of September one thouſand ſeven hundred and nineteen until the twenty fifth day of December one thouſand ſeven hundred and twenty one inclusive, be further granted, continued, levied, raiſed, and paid to your Majeſty, your heirs and ſucceſſors, from the ſaid twenty fifth day of December one thouſand ſeven hundred and twenty one until the twenty fifth day of December one thouſand ſeven hundred and twenty three inclusive.

V. And be it further enacted by the authority aforeſaid, That the ſaid additional rates and duties on coffee, tea, and chocolate, and cocoa-nuts, and all money ariſing thereby, ſhall be paid to the truſtees appointed for the management of the hempen and flaxen manufactures of this kingdom, to be by them applied to encourage and ſupport the ſaid manufactures, and the trade thereof, in this kingdom.

VI. And be it further enacted by the authority aforeſaid, That all and every the ſeveral and reſpective additional duties, hereby continued and granted, ſhall be raiſed, anſwered, collected, and paid, unto your Majeſty, your heirs and ſucceſſors, during the term aforeſaid, at the ſame time, and by the ſame ways, means, and methods, and by ſuch rules and directions, and under ſuch penalties and forfeitures, and with ſuch powers, and in ſuch manner and form, in all reſpects, as are preſcribed, mentioned, and expreſſed, in and by an act made in this kingdom in the fourteenth year of the reign of King Charles the ſecond, intituled, *An act for the ſettling of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*, or by any other law now in force relating to the 14 & 15 C. 2. 8.

revenue

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revenue or exciſe in this kingdom, as fully and effectually to all intents and purpoſes as if the ſame were particularly repeated and again enacted in the body of this preſent act; with like remedy of appeal to and for the party grieved, as in and by the ſaid act of exciſe is provided.

VII. And be it further enacted by the authority aforeſaid, That all and every perſon and perſons having upon the twenty fifth day of December one thouſand ſeven hundred and twenty one, or who ſhall have at any time from the ſaid twenty fifth day of December one thouſand ſeven hundred and twenty one until the twenty fifth day of December, which ſhall be in the year of our Lord one thouſand ſeven hundred and twenty three inclusive, any office, ſallaries, profits of employments, fees, and penſions, upon the civil or military eſtabliſhments in this kingdom, ſhall pay unto your Majeſty, your heirs and ſucceſſors, the full ſum of four ſhillings *ſterling* a year out of every twenty ſhillings a year, which he, ſhe, or they, do or ſhall receive or be intituled unto by reaſon of ſuch office, ſallaries, profits of employments, fees, and penſions, unleſs ſuch perſon or perſons do and ſhall live and actually reſide within this kingdom ſix calendar months at leaſt in each of the ſaid years; which ſaid tax or duty of four ſhillings *ſterling* a year out of every twenty ſhillings a year as aforeſaid ſhall be ſtopped and deducted yearly during the time and term aforeſaid by the vice-treaſurer, pay-maſter, and receiver-general of his Majeſty's revenues, and be accounted for to your Majeſty, your heirs and ſucceſſors.

VIII. Provided always, and it is hereby declared, That this act ſhall not extend to charge the ſaid tax or duty of four ſhillings *ſterling* a year on every twenty ſhillings as aforeſaid upon the ſalary, penſions, fees, or profits, payable to the lord lieutenant, or other chief governor or governors of this kingdom for the time being; or the ſalaries, fees, penſion, pay, or profit of employment, payable to any perſon or perſons, who ſhall by his or their offices and employments be obliged to an immediate attendance upon the perſons of your ſacred Majeſty, or their royal Highneſſes the prince and princeſs of Wales, or their iſſue, during their continuance in ſuch their offices and employments; or to the pay of the officers of the army, or half-pay officers, upon the eſtabliſhment of this kingdom.

IX. And be it further enacted by the authority aforeſaid, That the ſix pence *per* pound, and all other fees, which ſhall or may be payable to the vice-treaſurer, receiver, or pay-maſter-general of this kingdom, for, or on account of, or out of, the aids granted unto your Majeſty this preſent ſeſſion of Parliament, ſhall be received by the ſaid vice-treaſurer, receiver, or pay-maſter general, for the uſe of your Majeſty, your heirs and ſucceſſors, and duly accounted for by him or them to your Majeſty, your heirs and ſucceſſors, as a further and additional aid hereby given and granted.

X. And whereas your Majeſty's faithful commons in the firſt ſeſſion of this preſent Parliament, the better to enable your Majeſty to provide for the defence and ſecurity of this your kingdom, came to an unanimous reſolution, That whatever ſums of money ſhould be advanced and paid into your Majeſty's treaſury by any perſon or perſons at the inſtances of their excellencies the then lords juſtices, or other chief governour or governours of this kingdom for the time being, for the defence thereof, ſhould be made good with legal intereſt for the ſame out of ſuch aids, as ſhould be granted to your Majeſty the then next ſeſſion of Parliament: and whereas for the better ſecuring of ſuch ſum or ſums of money as ſhould be ſo advanced, it is provided by an act paſſed in the ſaid firſt ſeſſion of this Parliament, intituled, *An act for continuing to his Majeſty the additional duty on beer, ale, ſtrong waters, tobacco, and other goods and merchandizes*, that ſuch ſum or ſums of money, as ſhould be ſo advanced and paid into your Majeſty's treaſury, ſhould be repaid unto ſuch perſon or perſons, as ſhould lend or advance the ſame, his or their executors, adminiſtrators, or aſſigns, with legal intereſt, out of the next aids to be granted by Parliament, without any deduction: and whereas the ſum of fifty thouſand pounds hath been advanced and paid into your Majeſty's treaſury in purſuance of the ſaid reſolution and act of Parliament, which debt remains ſtill due and unſatisfied: be it further enacted by

2 G. 1. 1.

the

the authority aforeſaid, That ſuch perſon or perſons, who have advanced or paid into your Majeſties treaſury any ſum or ſums of money, being part of the ſaid principal ſum of fifty thouſand pounds, their executors, adminiſtrators, or aſſigns, ſhall have and receive, and be well and truly paid at the receipt of your Majeſty's Exchequer, by the hands of the vice-treaſurer or pay-maſter-general, his or their deputy or deputies, every ſix months the legal intereſt of the reſpective ſum or ſums of money, ſo by them advanced, without fee or charge, and free from all manner of deductions, defalcations, and abatements whatſoever, out of ſuch your Majeſties treaſure or revenue as ſhall come to his or their hands, until they are reſpectively paid and ſatisfied the reſpective principal ſums, ſo by them paid and advanced as aforeſaid; and if any part of the ſaid principal ſum of fifty thouſand pounds ſhall be due and unpaid on the twenty fifth day of December, which ſhall be in the year of our Lord one thouſand ſeven hundred and twenty three, the ſame ſhall be well and truly ſatisfied and paid unto the ſeveral and reſpective perſons, their executors, adminiſtrators, or aſſigns reſpectively, to whom the ſame ſhall be then due, together with ſuch legal intereſt for the ſame as ſhall be then in arrear, without any deduction, defalcation, or abatement, for or on account of pells, poundage, or other fees, charges, or deductions whatſoever

XI. And be it further enacted by the authority aforeſaid, That the ſeveral ſums hereafter mentioned be paid out of the aforeſaid additional duties and aids, granted and continued to your Majeſty by this preſent act, to the perſons hereafter mentioned: (that is to ſay) a ſum not exceeding fifteen hundred pounds *ſterling* to the truſtees of the linen manufacture, in order to build a proper ware-houſe as a repoſitory for linen-manufactures expoſed to ſale; and likewiſe the further ſum of one thouſand and ſixty pounds to be paid to the ſaid truſtees, to diſcharge a debt contracted by them for the uſe of the publick, occaſioned by the deficiency of the funds formerly granted for the ſupport and encouragement of the linen manufacture; and alſo the ſum of three hundred pounds *ſterling* to Matthew Pennefather eſquire, accomptant-general, as a reward for his expence and trouble in preparing and ſtating the publick accounts of the nation laid before the houſe of commons this preſent ſeſſion of Parliament; alſo the ſum of three hundred pounds *ſterling* to Bruen Worthington, and two hundred pounds *ſterling* to Iſaac Ambroſe, clerks of the houſe of commons; and the further ſum of two hundred pounds *ſterling* to the ſaid Bruen Worthington and Iſaac Ambroſe, as a recompence for their extraordinary expence in preparing copies of the publick accounts for the members of the houſe of commons; and alſo the ſum of two hundred pounds *ſterling* to John Kerr, clerk aſſiſtant; three hundred pounds *ſterling* to Richard Povey, ſerjeant at arms for his attendance on the houſe of commons; two hundred and fifty pounds *ſterling* to William Bayly and Henry Bulkley, the clerks attending the committee of accounts and other committees, to be equally divided between them; eighty pounds *ſterling* to John Fieldhouſe and John Mulloy, door-keepers of the houſe of commons, to be equally divided between them; which ſaid ſeveral ſums are given to the ſaid ſeveral perſons as rewards for their ſaid ſeveral ſervices, attendances, and expence, this ſeſſion of Parliament; and alſo the ſum of nine hundred pounds *ſterling* to William Burgh eſquire, late accomptant-general, as a reward for his expence and trouble in preparing and ſtating the publick accounts of the nation, which were laid before the houſe of commons in the ſeſſion of Parliament, which was in the year one thouſand ſeven hundred and thirteen, and before the houſe of commons in the ſeveral ſeſſions of Parliament, which were in the years one thouſand ſeven hundred and fifteen, and one thouſand ſeven hundred and ſeventeen; and alſo one hundred pounds *ſterling* to Enoch Sterne eſquire, as a recompence for his expences and trouble in ſolliciting and taking care of ſeveral publick bills tranſmitted into Great-Britain the laſt ſeſſion of this Parliament; all which ſaid ſeveral ſums are to be paid by the vice-treaſurer or receiver-general of this kingdom without any further or other warrant to be ſued for, had, or obtained in that behalf.

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CHAP. II.

An Act for amending an act, intituled, An act to explain and amend an act, intituled, An act for the more effectual preventing frauds committed by tenants.

5 G. 2. 4. 25 G. 2. 13.

WHEREAS by an act made in the fourth year of the reign of his preſent Majeſty, intituled, *An act to explain and amend an act*, intituled, *An act for the more effectual preventing of frauds committed by tenants*, it is amongſt other things enacted, Recital 4 G. 1. 5. *ſec.* 3. "That from and after the twenty fifth day of December one "thouſand ſeven hundred and ſeventeen, as often as it ſhall hap-"pen, that more than one year's rent ſhall be due and in arrear to "any landlord or leſſor, though there be diſtreſs ſufficient on the "land to anſwer the ſaid rent and arrear, ſuch landlord or leſſor "may ſerve a ſummons in ejectment for recovery of the demiſed "premiſſes, and ſhall recover and have judgment in ſuch manner "as by the ſaid act is directed:" and whereas ſeveral artifices have been made uſe of to evade and elude the intention of the ſaid act, and to defeat leſſors of the remedy thereby intended them, particularly by taking defence to ſuch ejectment in the name of ſome perſons not deriving under ſuch leaſe, whereby the plaintiff is obliged to make out the title of his leſſor, and at other times by inſiſting on privilege of Parliament: for remedy whereof, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of March in the year of our Lord one thouſand ſeven hundred and twenty one, as often as it ſhall happen, that one whole years rent or more ſhall be due and in arrear to any landlord or leſſor, ſuch landlord or leſſor may bring an ejectment for the recovery of the demiſed premiſſes, and, upon ſervice of the ſummons in the ſaid ejectment, notice in writing ſhall be given to the perſon, on whom ſuch ſummons ſhall be ſerved, that ſuch ejectment is brought on account of the non-payment of rent; and if any perſon or perſons ſhall after affidavit made of ſuch ſervice take defence in ſuch ejectment, and ſhall appear on the trial, and confeſs leaſe, entry, and ouſter, and the plaintiff ſhall then make due proof of the perfection of the counterpart of the leaſe, by which ſuch rent is reſerved, and that ſuch landlord or leſſor, or thoſe under whom he derives his title, have been in poſſeſſion of ſuch lands, tenements, or hereditaments, for three years before ſervice of ſuch ejectment, or

Evaded by taking defence in name of a ſtranger; and by privilege.

where one year's rent due, landlord may bring ejectment, and on ſervice of ſummons notice in writing given that it is for non-payment of rent,

if defence taken, leaſe, &c. confeſſed, and plaintiff proves counterpart, (5 G. 2 4. & 25 G. 2. 13. *Evidence where no counterpart,*)

ſhall

ſhall ſhew any ſufficient title to the premiſſes, for which ſuch ejectment ſhall be brought, and it ſhall appear in evidence at the trial, that one whole years rent or more is due to the ſaid landlord or leſſor, then the plaintiff ſhall recover and have judgment in the ſaid ejectment, in ſuch manner, and under ſuch proviſoes, as by the ſaid former acts is directed and appointed.

and poſſeſſion 3 years, or ſhews ſufficient title, and one year's rent appears due, he ſhall recover as by 11 *Anne* 2. & 4. *G.* 1. 5.

II. And be it enacted by the authority aforeſaid, That no privilege of Parliament ſhall be allowed in any ejectment brought for the recovery of lands, tenements, or hereditaments, on account of non-payment of rent, nor in any ſuit commenced againſt any perſon or perſons on account of his or their wilful holding over any lands, tenements, or hereditaments, after the determination of his or their term, contrary to the true intent and meaning of the ſaid act, intituled, *An act for the more effectual preventing of frauds committed by tenants*; nor in any ſuit or motion to obtain an injunction or writ of eſtrepement to prevent waſte.

No privilege of Parliament in ſuit for non-payment of rent, holding over contrary to 11 *Anne* 2. or to ſtay waſte.

III. And be it further enacted by the authority aforeſaid, That notwithſtanding any writ of error to reverſe any judgment obtained in any ejectment brought by vertue of this preſent act, or of the ſaid former act, execution ſhall iſſue and be executed, unleſs the party, that brings ſuch writ of error, ſhall, within four days after ſuch writ of error ſhall be tendered, pay into the court, where ſuch judgment was obtained, all ſuch ſums as ſhall appear to be due for the rent of the lands, for which ſuch ejectment was brought, together with full coſts of ſuit; which ſums the judges of the court, where the ſaid judgment was obtained, ſhall order to be paid over to the leſſor in ejectment, upon his giving ſufficient ſecurity to repay the ſame, in caſe the ſaid judgment ſhall be reverſed.

Execution notwithſtanding *error* brought, unleſs in 4 days arrears and full coſts paid into court,

To be paid to leſſor, on ſecurity if judgment reverſed.

IV. And be it enacted by the authority aforeſaid, That where any leaſe, for avoiding of which ſuch ejectment is brought, ſhall before the bringing ſuch ejectment have been mortgaged for a valuable conſideration, and the leſſee and mortgagee, and their reſpective aſſignees, ſhall and be duly ſerved with ſummons in the ſaid ejectment, and a proper affidavit or affidavits of the ſaid ſummons ſhall be made, and duly filed, and the plaintiff ſhall obtain judgment and execution in the ſaid ejectment, then if the ſaid mortgagee or his aſſignee ſhall not within nine months after ſuch execution executed pay or tender unto ſuch landlord or leſſor the ſaid rent in arrear, and coſts, to be aſcertained in ſuch manner as in and by the ſaid acts is directed and appointed, then ſuch mortgagee or his aſſignee ſhall be barred and foreclоſed of all relief or remedy in law or equity on account of the ſaid mortgage, and

If mortgagee of the leaſe or his aſſignee, duly ſerved with ſummons, do not pay or tender to landlord in 9 months after execution executed arrear and coſts, barred all relief.

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and the ſaid landlord or leſſor ſhall from thenceforth hold and enjoy the demiſed premiſſes diſcharged and freed from the ſaid mortgage and the equity of redemption; any thing in the ſaid acts, or any law, to the contrary notwithſtanding.

All mortgages of a leaſe and aſſignments ſhall be regiſtered in 6 months after: or landlord may proceed tho' no ſummons.

V. And be it further enacted by the authority aforeſaid, That all and every mortgage of any leaſe, and every aſſignment thereof, already made, ſhall be regiſtered before the twenty fourth day of June, which ſhall be in the year of our Lord one thouſand ſeven hundred and twenty two, in ſuch manner as is required by the ſtatute for publick regiſtring of deeds, conveyances, and wills; and all ſuch mortgages and aſſignments, hereafter to be made, ſhall be regiſtered in like manner within ſix kalendar months after perfection thereof; and, in default of regiſtring ſuch mortgage or aſſignment in manner aforeſaid, the landlord or leſſor may proceed in ejectment, and obtain judgment and execution thereon, although ſuch mortgagee or aſſignee be not ſerved with ſummons in ejectment, in ſuch manner as if ſuch mortgagee or aſſignee had been duly ſerved.

18 *Ed.* 4. 1. 10 & 11 *C.* 8. 7.

VI. And whereas by the laws and ſtatutes of this kingdom goods and chattles, taken by way of diſtreſs, and liable to be appraiſed, are to be appraiſed on oath by four or more honeſt and diſcreet perſons of the mannor or pariſh, where they are taken, which is found often to be very inconvenient, by reaſon that in many places the neighbouring inhabitants are in ſuch combination among themſelves, that they very often appraiſe their neighbours goods, ſo diſtrained, at much more than the perſon or perſons, for whoſe benefit and advantage ſuch diſtreſs is taken, can ſell the ſame: for remedy thereof, be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to appraiſe any goods or chattles, that ſhall be taken by way of diſtreſs for rent, duties, or ſervices, after the twenty fifth day of December one thouſand ſeven hundred and twenty one, which by law are liable to be appraiſed, by three or more honeſt and diſcreet perſons of the barony, where ſuch diſtreſs ſhall be taken; and that the landlord, his ſteward, bailiff, agent, or receiver, may and ſhall adminiſter an oath to ſuch three or more honeſt and diſcreet perſons of the barony, where ſuch diſtreſs ſhall be taken, before ſuch diſtreſs ſhall be appraiſed, that they will according to the beſt of their judgment, ſkill, and knowledge, juſtly and indifferently value and appraiſe the ſame; and the appraiſement ſo made ſhall be as valid and effectual, as if the ſame had been made in purſuance of any former law or ſtatute.

Goods diſtrained may be appraiſed by 3 or more honeſt and diſcreet perſons of the barony, to whom landlord may adminiſter oath to value juſtly and indifferently.

25 *G.* 2. 13.

VII. And

VII. And be it further enacted by the authority aforeſaid, That in all ejectments, which ſhall be ſerved for non-payment of rent after the firſt day of March one thouſand ſeven hundred and twenty one, notice ſhall be given in writing on the ſervice of ſuch ejectment, that ſuch ejectment is brought on account of non-payment of rent.

On ejectment for non-payment of rent, notice thereof to be given in writing.

VIII. And whereas diſtreſſes lawfully taken are frequently reſcued, be it further enacted by the authority aforeſaid, That if any diſtreſs, lawfully taken for rent, or ſervices, or other legal dues, ſhall be reſcued, if the perſon, on whoſe behalf ſuch diſtreſs was taken, his agent or bailiff, or any perſon employed in taking ſuch diſtreſs, ſhall within fourteen days after ſuch reſcue make oath thereof before any of his Majeſty's juſtices of the peace of the county, where ſuch reſcue ſhall have been committed, which oath ſuch juſtice is hereby authorized and required to adminiſter, then ſuch juſtice of the peace ſhall by warrant under his hand and ſeal order and require one or more conſtable or conſtables of the ſaid county to go with and aſſiſt the perſon, on whoſe behalf ſuch diſtreſs was taken, or his agent or bailiff, or the perſon employed by him as aforeſaid, or the perſon making ſuch oath, to diſtrain again for the ſaid rent, ſervices, or other legal dues, and to take with him a number of perſons, ſufficient to ſecure and convey the diſtreſs, ſo by him or them to be taken, to ſome lawful pound.

On reſcue, a juſtice ſhall on oath in 14 days after order conſtables to aſſiſt to diſtrain again, and take perſons to convey to pound.

7 *W.* 3. 22.
4 *G.* 1. 5.
15 *G.* 2. 8.

IX. Provided always, That before any juſtice of the peace ſhall grant ſuch warrant as aforeſaid, there ſhall be depoſited in the hand of ſuch juſtice of the peace ſuch reaſonable ſum of money, as ſuch juſtice of the peace ſhall require, to ſatisfie ſuch conſtable or conſtables, and his and their aſſiſtants, for their pains and trouble in executing ſuch warrant; out of which money ſo depoſited reaſonable ſatisfaction ſhall be made by ſuch juſtice of the peace after the ſervice performed to ſuch conſtable or conſtables and his and their aſſiſtants, returning the overplus; which money ſo paid ſhall in the firſt place be deducted out of the money ariſing by the ſale of ſuch diſtreſs, in caſe the ſame ſhall be ſold, or otherwiſe ſhall be levyed or recovered by diſtreſs and ſale of the goods, as in caſe of a diſtreſs for rent, or by civil bill, againſt the perſon owing the rent, ſervice, or other duty, for which ſuch diſtreſs was taken, with coſts of ſuit.

Conſtables, &c. to have reaſonable ſatisfaction out of money firſt depoſited with ſaid juſtice,

deducted out of, goods ſold, or recovered as rent, or by civil bill.

X. And be it further enacted by the authority aforeſaid, That, if it ſhall appear upon oath to any juſtice of the peace of the county or place, where any corn or hay ſhall be lawfully diſtrained, that the ſame is in great danger of being reſcued or unlawfully taken

On oath of danger of reſcue of corn and hay diſtrained, juſtice may appoint watches,

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taken away, then ſuch juſtice of the peace ſhall by warrant as aforeſaid order and impower any conſtable of the ſame county to appoint a ſufficient number of fit perſons to watch, keep, and ſecure ſuch corn or hay, until ſuch time as the ſame might lawfully be ſold, or ſhall be otherwiſe delivered by due courſe of law; and each perſon ſo appointed ſhall be paid ſuch wages, as ſuch juſtice of the peace ſhall direct, not exceeding one ſhilling, nor leſs than ſix pence, for one day's attendance; nor leſs than one ſhilling, nor more than one ſhilling and ſix pence, for a day and a night's attendance, to any one perſon: provided, that the perſon, at whoſe inſtance ſuch warrant ſhall be granted, ſhall before the granting of the ſame depoſite ſuch reaſonable ſum of money in the hand of the ſaid juſtice of the peace, as ſuch juſtice ſhall judge to be ſufficient for ſuch payment; which payment ſuch juſtice ſhall cauſe to be made, according to the proportions above mentioned, after the ſervice performed, returning the overplus; and one moiety of the ſum, which ſhall be at the charge of the party, on whoſe behalf ſuch warrant was granted; and as to the other moiety thereof, ſatisfaction ſhall be made to the party, who made the depoſite, out of the money ariſing by the ſale of ſuch diſtreſs in the firſt place, in caſe the ſame ſhall be ſold, or otherwiſe ſhall be levyed or recovered by diſtreſs and ſale, as in caſes of diſtreſs for rent, or by civil bill, againſt the perſon owing the rent, ſervice, or other duty, for which ſuch diſtreſs was taken, with coſts of ſuit.

and wages for each, not above 1 s. nor leſs than 6 d. for a day; nor leſs than 1 s. nor more than 1 s. and 6 d. for a day and night.

Money firſt depoſited, and paid after the ſervice.

One moiety at his charge for whom warrant granted: ſatisfaction for the other as aforeſaid.

CHAP. III.

An Act to oblige ſhips coming from infected places more effectually to perform their quarantine: and for the better preventing the plague being brought from foreign parts into this kingdom.

9 *Anne* 2. *Eng.* 1 G. 2. 13. *Eng.* 6 G. 2. 34. *Eng.* 26 G. 2. 6. *Eng.* 29 G. 2. 8. *Eng.*

WHEREAS ſeveral places in the ſouthern parts of France have been for ſome time paſt, and ſtill continue to be, infected with the plague, which occaſions juſt apprehenſions, that the infection may be brought into this kingdom from the places ſo infected: the better therefore to prevent the ſame be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That during the preſent infection in France, and all future times, when any part of France, Spain, Portugal, Italy, the Low-countries, the Iſle of Man, Sweden, Denmark, Norway, or any country, city, or town lying upon or near the Northern, German, or Baltick ſea, or any part of his Majeſty's dominions, ſhall be infected with the plague, it ſhall and may be lawful to and for the lord lieutenant, or other chief governor or governors of this kingdom for the time being, by and with the conſent and approbation of the privy council duly aſſembled, or the major part thereof, (ſuch major part being not leſs than three,) by any order or orders to be publiſhed by proclamation,

Chief governors and 3 of council may by proclamation prohibit commerce with countries infected with the plague.

17 G. 2. 12.

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proclamation, and ſigned by the chief governor or governors of this kingdom, and by ſuch three or more of the ſaid privy council, to prohibit all trade and commerce to and with any ſuch kingdom, place, and port infected with the plague, or to or with any place, from whence they ſhall judge it probable the infection may be brought, under ſuch pains, penalties, and forfeitures, extending, if they ſhall judge it neceſſary, to the taking away the lives of the crews, pilots, paſſengers, and all concerned directly or indirectly in ſailing or navigating any ſhips or veſſels to any part of the coaſts of this kingdom from any ſuch place or places, wherewith commerce ſhall be ſo prohibited as aforeſaid, and to be inflicted or levied in ſuch manner as they ſhall judge moſt effectual to prevent the bringing in of the ſaid infection, and to the burning and deſtroying ſuch ſhips or veſſels with their tackle, apparel, and furniture, and their cargoes.

II. And be it further enacted by the authority aforeſaid, That for preventing any goods, wares, and merchandizes of ſuch countries or places, with which trade ſhall be prohibited by ſuch order or proclamation as aforeſaid, from being brought into any port, creek, or other place in this kingdom by any ſhip or veſſel from any other kingdoms or countries, it ſhall and may be lawful to and for the lord lieutenant, or other chief governor or governors of this kingdom for the time being, by and with the conſent and approbation of the privy council, or the major part thereof, as aforeſaid, by any order or orders, to be publiſhed by proclamation as aforeſaid, to prohibit the bringing in any ſuch goods, wares, or merchandizes, under ſuch pains, penalties, and forfeitures, extending, if they ſhall judge it neceſſary, to the taking away the life or lives of the captain or maſter of ſuch ſhip or veſſel, and all concerned in the bringing in thereof directly or indirectly; and to be inflicted or levied in ſuch manner, as they ſhall judge moſt effectual to prevent the bringing in of the ſaid infection, and to the burning and deſtroying ſuch ſhips or veſſels, the tackle, apparel, and furniture thereof, and the ſaid goods.

III. And whereas the maſter or other perſon having charge of ſuch ſhip or veſſel, as may be ordered or liable to be burnt or deſtroyed by vertue of this act, to prevent or avoid the ſame may privately, by running into creeks, or by ſtanding off at ſea, may get or procure fiſhing or other boats to put a ſhore or land the paſſengers or crew of ſuch ſhip or veſſel, and all or part of the lading thereof, which may prove highly dangerous to the ſafety of this kingdom: be it further enacted by the authority aforeſaid, That during the preſent infection, and in all future times, when any of the places or countries herein before mentioned ſhall be infected with the plague, it ſhall and may be lawful to and for the chief governor or governors of this kingdom for the time being, with the approbation and conſent of the privy council of this kingdom, and the major part thereof as aforeſaid, by any order or orders notified by proclamation as aforeſaid, to prohibit and forbid all and every perſon and perſons whatſoever to ſail, navigate, or row any ſhip or veſſel, or boat, out of or into any boat, harbour, creek, or other place in this kingdom, other than out of or into ſuch ports or harbours, as ſhall for that purpoſe be particularly mentioned and expreſſed in ſuch order and proclamation, under ſuch pains, penalties, and forfeitures, extending, if they ſhall judge it neceſſary, to the taking away the lives of ſuch perſon or perſons ſo ſailing, navigating, or rowing ſuch ſhip, veſſel, or boat, out of or into any port, harbour, or place, not mentioned in ſuch proclamation, and to the burning and deſtroying ſuch ſhips, veſſels, or boats, with their tackle, apparel, and furniture, and their cargoes, by ſuch perſon or perſons, and by ſuch ways and means, and in ſuch manner, as from time to time ſhall be directed and appointed in and by ſuch order and proclamation as aforeſaid.

IV. And

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IV. And the better to prevent all ships, veſſels, and boats falling contrary to the ſaid order, and coming out of any port or harbour as in the ſaid order and proclamation is aforeſaid, from taking in any perſons, wares, or merchandizes whatſoever out of or from on board any ſhip, veſſel, or boat at ſea: be it further enacted by the authority aforeſaid, That during the preſent infection, and in all future times, when any of the ports or countries before-mentioned ſhall be infected with the plague, no perſon or perſons, after ſuch time as ſhall be appointed in any order or proclamation to be iſſued for that purpoſe as aforeſaid, ſhall ſail, navigate, or row any ſhip, or veſſel, or boat whatſoever out of or from any port or harbour mentioned in ſuch order or proclamation without a certificate under the hand of the principal officer of his Majeſty's revenue then reſiding in ſuch port or harbour, containing the name of the port or harbour, and the names of the maſter, and of all and every other perſon or perſons going in or on board ſuch ſhip, veſſel, or boat, and the particulars of all goods, wares, and merchandizes on board ſuch ſhip, veſſel, or boat; and ſuch proper officer is required to grant the ſame ſuch certificate on demand without fee or reward, and as many duplicates thereof as ſhall be deſired, mentioning the ſame for each duplicate, and no more; and in caſe any perſon or perſons ſhall ſail, navigate, or row any ſhip, veſſel, or boat to, or from, or out of any port or harbour for that purpoſe mentioned in ſuch order and proclamation as aforeſaid, without ſuch certificate, or ſhall refuſe to deliver ſuch certificate to the collector or other proper officer of his Majeſty's revenue of the port or harbour, where ſuch ſhip, veſſel, or boat ſhall arrive within this kingdom, or in caſe ſuch certificate ſhall be delivered unto the ſaid collector or other proper officer, where ſuch ſhip, veſſel, or boat ſhall anchor or arrive, and there ſhall be found on board ſuch ſhip, veſſel, or boat, any perſon or perſons, goods, wares, or merchandizes not mentioned and expreſſed in ſuch certificate, then and in every ſuch caſe as well the maſter or other perſon having charge of ſuch ſhip or veſſel, as every other perſon who ſhall be found on board ſuch ſhip, veſſel, or boat, not mentioned in ſuch certificate, ſhall ſuffer ſuch pains, penalties, and forfeitures, as the chief governor or governors for the time being, with the approbation and conſent of the privy council of this kingdom, or the major part thereof as aforeſaid, by their order notified by proclamation as aforeſaid, ſhall judge neceſſary, extending even to the taking away of life; and the ſaid ſhip, veſſel, or boat, wherein any perſons, goods, wares, or merchandizes not mentioned in ſuch certificate, ſhall be found, or which ſhall be ſailed, navigated, rowed, or come into any port or harbour in this kingdom without ſuch certificate, ſhall be forthwith burnt and deſtroyed by ſuch perſon or perſons, and in ſuch manner, as in and by the ſaid order and proclamation ſhall be for that purpoſe directed and appointed.

V. Provided always, That this act, or any thing herein contained, ſhall not extend, or be conſtrued to extend, to prohibit or hinder the bringing into any port or harbour mentioned in ſuch proclamation any freſh fiſh not mentioned in ſuch certificate.

VI. And be it further enacted by the authority aforeſaid, That during the preſent infection and in all future times, when any country or place ſhall be infected with the plague, all ſhips and veſſels arriving in, and all perſons, goods, and merchandizes whatſoever, coming or imported in ſuch ſhips or veſſels into any port or place within this kingdom from any place ſo infected, or from any place, the inhabitants whereof are known to trade or correſpond with any country or place actually infected, or from any place, from whence the lord lieutenant or chief governor or governors of this kingdom for the time being, with the advice of the privy council, or ſuch major part thereof as aforeſaid, ſhall judge it probable that the infection may be brought, ſhall be obliged to make their quarantine in ſuch place and places, for ſuch time, and in ſuch manner, as ſhall from time to time be directed by the lord lieutenant, or chief governor or governors of this kingdom for the time being, with the conſent of the privy council, or ſuch major part thereof as aforeſaid, by ſuch order or orders made and notified as aforeſaid; and that until ſuch

ſuch ſhips, veſſels, perſons, goods, and merchandizes, ſhall have reſpectively performed and be diſcharged from ſuch quarentine, no ſuch perſons, goods, or merchandizes, or any of them, ſhall come or be brought on ſhore, or go or be put on board any other ſhip or veſſel, in any place within this kingdom, unleſs in ſuch caſes, and by ſuch proper licence, as ſhall be directed or permitted by ſuch order or orders made and notified as aforeſaid; and that all ſuch ſhips and veſſels, and perſons and goods, coming or imported in, or going, or being put on board the ſame, and all ſhips, veſſels, boats, and perſons, receiving any goods or perſons out of the ſame, ſhall be ſubject to ſuch orders, rules, and directions concerning quarentine, and the prevention of infection, as ſhall be made and notified as aforeſaid.

VII. And be it further enacted by the authority afoeeſaid, That it ſhall and may be lawful for the lord lieutenant, or other chief governor or governors, with the approbation and conſent of the privy council of this kingdom, or the major part thereof as aforeſaid, to nominate and appoint ſuch and ſo many officers and perſons, as they ſhall judge proper, with ſuch ſtipends and ſalaries as they ſhall think fit, to take care that all ſhips, veſſels, boats, perſons, and goods whatſoever, ordered and directed to make quarentine, do make and perform their quarentine in ſuch places, and for ſuch time, and in ſuch manner, and under ſuch rules, orders, and directions, as ſhall be made and given by the ſaid lord lieutenant, or other chief governor and governors and privy council, by order notified by proclamation as aforeſaid; all and every of which ſaid officers and perſons, ſo nominated and appointed, are hereby impowered and required to put into ſtrict execution all and every ſuch orders and directions as ſhall be ſo given to them or any of them: and in caſe any perſon or perſons whatſoever ſhall attempt or endeavour to land or come on ſhore, or ſhall actually land or come on ſhore, from on board any ſuch ſhip, boat, or veſſel, without licence from ſuch officer or officers, perſon or perſons appointed as aforeſaid, it ſhall be lawful for ſuch officer and officers, perſon and perſons appointed as aforeſaid, and ſuch aſſiſtants as they ſhall require, and ſuch officer and officers, perſon and perſons, with ſuch aſſiſtants, are hereby impowered and required, to reſiſt, oppoſe, and drive back, by any kind of force or violence whatſoever, in ſuch manner as ſhall be ordered and directed by the ſaid lord lieutenant, or other chief governor or governors and privy council, or major part of the ſame, by order notified by proclamation as aforeſaid, all and every perſon and perſons offending as aforeſaid, as being common enemies to his Majeſty and this kingdom: and in caſe any officer or officers of his Majeſty's cuſtoms, or any other officer or officers, perſon or perſons whatſoever, to whom it doth or ſhall appertain to execute any order or orders, to be made as aforeſaid for the preventing the infection being brought into this kingdom, and the ſpreading the ſame, ſhall be guilty of any wilful breach or neglect of his or their duty in that behalf; and alſo if any other perſon or perſons whatſoever ſhall knowingly or willingly permit or ſuffer any perſon or perſons whatſoever to land or come on ſhore from on board ſuch ſhip, boat, or veſſel, without licence as aforeſaid, or ſhall conceal, aid, harbour, aid or ſuccour, any ſuch perſon or perſons, who ſhall land or come on ſhore from on board ſuch ſhip, boat, or veſſel, without licence as aforeſaid, or ſhall take any goods whatſoever out of or from any ſuch ſhip or veſſel, or receive any goods whatſoever, knowing that the ſame were taken out of ſuch ſhip, boat, or veſſel, without licence as aforeſaid; then and in ſuch caſe all and every ſuch officer and officers, perſon and perſons, ſo offending, ſhall be guilty of felony without benefit of clergy; and every perſon and perſons who ſhall diſcover and proſecute any ſuch offender, ſo as ſuch offender be convicted, ſhall have and receive as a reward the ſum of fifty pounds, to be paid by the collector of his Majeſty's revenue for the county or place, where ſuch conviction ſhall be, upon certificate of the judge, before whom ſuch offender ſhall be convicted; which certificate ſhall be a ſufficient diſcharge to ſuch collector in his accounts.

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VIII. And whereas great quantities of luſtrings, ſilk and cotton ſtockings, and other manufactures of ſilk, cotton, and hair, made in France, and alſo lamb-ſkins, kid-ſkins, ſhammy, and other ſkins manufactured and unmanufactured, of the growth or product of France, are frequently imported into this kingdom from thoſe parts of France now afflicted with the plague, from whence it may be juſtly apprehended, that the infection may be brought into this nation: be it further enacted by the authority aforeſaid, That during the preſent infection no paper, raw ſilk, cotton, hair, luſtrings, ſilk or cotton ſtockings, or any other manufactures of ſilk, cotton, or hair made in France, or any lamb-ſkins, kid-ſkins, ſhammy, or any other ſkins manufactured or unmanufactured of the growth or product of or coming from any part of France, ſhall be imported, or brought into or landed in any part of this kingdom; and that all ſuch goods and commodities, imported contrary to the true intent and meaning of this act, ſhall be forthwith burnt by ſuch perſon or perſons, and in ſuch manner, as ſhall be directed by ſuch order or orders made and notified as aforeſaid; and that all and every perſon and perſons, who from and after the firſt day of March one thouſand ſeven hundred and twenty one ſhall import or knowingly receive the ſame, ſhall be guilty of felony without benefit of clergy.

IX. And be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the lord lieutenant, or other chief governor or governors and privy council of this kingdom, by any order or orders made as aforeſaid, to be notified by proclamation as aforeſaid, from time to time, and at all times during the preſent infection, to direct, order, and appoint, that all and every the owner and owners of any of the goods and commodities aforeſaid, within ſuch time as ſhall be directed and appointed by ſuch order notified as aforeſaid, ſhall lodge and depoſite all and every the goods and commodities aforeſaid in his, her, or their poſſeſſion, with ſuch perſon and perſons, in ſuch place and places, and to be diſpoſed of in ſuch manner, for the uſe of ſuch owner and owners, as by ſuch order notified as aforeſaid ſhall be appointed; and that all and every the perſon and perſons, who ſhall neglect to lodge and depoſite the ſaid goods and commodities, or any of them, at the time, and with the perſons, by ſuch order or orders, made and notified as aforeſaid, to be appointed, ſhall be ſubject and liable to ſuch pains, penalties, and forfeitures, extending even to the taking away the life or lives of the offender and offenders, in ſuch manner as in and by ſuch order, notified as aforeſaid, ſhall be directed and appointed.

X. And be it further enacted by the authority aforeſaid, That the informer or diſcoverer and ſeizer of ſuch forementioned goods, or any of them, ſhall receive a reward to the value of the goods out of the eſtate and effects of the offender.

XI. Provided always, That ſuch goods and merchandizes herein before mentioned, which ſhall be ſo delivered to ſuch perſon or perſons, as ſhall be appointed in manner aforeſaid to receive the ſame, for which it ſhall appear, that the cuſtom and exciſe due to his Majeſty has not been already paid and diſcharged according to the laws now in force, ſhall not be liable to any forfeiture or ſeizure, or the owner or owners of ſuch merchandize to any penalty or information on account of non-payment of duties; provided ſuch owner and owners ſhall diſcharge and pay the ſaid exciſe and cuſtom on or before the ſaid firſt day of March one thouſand ſeven hundred and twenty one.

XII. And be it further enacted by the authority aforeſaid, That during the preſent infection, and when any of the places aforeſaid ſhall be infected with the plague, it ſhall and may be lawful to and for the chief governor and governors of this kingdom for the time being, from time to time, as to them ſhall ſeem reaſonable, to quarter any part of his Majeſty's forces upon the eſtabliſhment of this kingdom along the ſea-coaſt upon publick houſes; and, if there are not ſufficient quarters in ſuch publick houſes for ſuch troops as ſhall be by them ſo appointed, then upon private houſes; and in caſe any infection ſhall happen to be brought

into this kingdom, that it ſhall and may be lawful to and for the ſaid chief governor or governors to quarter ſuch forces upon publick and private houſes in any part of this kingdom, as to him or them ſhall ſeem moſt convenient to prevent the ſpreading of ſuch infection; any law to the contrary notwithſtanding.

XIII. And foraſmuch as it may be neceſſary that ſuch city, town, or place in this kingdom, as ſhall happen to be infected with the plague, ſhould be ſhut up or incloſed with lines, trenches, or otherwiſe, whereby ſuch city, town, or place will be cut off from communication with the reſt of the country, and therefore in caſe of ſuch calamity it will be greatly neceſſary to make ſome reaſonable proviſion for the ſupport and maintenance of ſuch perſons, as by reaſon of ſuch calamity, and their being excluded from commerce with their neighbours in manner aforeſaid, would be unable to provide for themſelves: be it further enacted by the authority aforeſaid, That whenſoever, and as often as it ſhall happen, that any infected city, town, or place in this kingdom ſhall be cut off from communication with the reſt of the country as aforeſaid, it ſhall and may be lawful to and for the lord lieutenant, and other chief governor and governors of this kingdom for the time being, by and with the advice and conſent of the privy council, or the major part thereof, as herein before mentioned, to cauſe to be erected one or more ſufficient magazine or magazines, ſtore-houſe, or ſtore-houſes, near the ſaid place infected, and to cauſe the ſame to be furniſhed with ſufficient quantities of proper and convenient victuals, proviſions, and other neceſſaries for the ſupport and maintenance of ſuch perſons as ſhall be ſo ſhut up and incloſed within ſuch lines and trenches as aforeſaid, and in like manner to provide and lay up for the uſe and benefit of ſuch perſons, as ſhall be ſo ſhut up as aforeſaid, a convenient and competent quantity of medicines and medicinal drugs, to be lodged in ſuch magazine or ſtore-houſe; and for the defraying the expences thereof, it ſhall and may be lawful to and for the ſaid lord lieutenant, or other chief governor or governors of this kingdom for the time being, by his or their warrant to cauſe ſo much money to be iſſued out of his Majeſty's treaſury in this kingdom, as ſhall be ſufficient for that purpoſe; in which order or warrant, to be granted as aforeſaid, ſhall be ſpecified and expreſſed the quantity and prices of the victuals, drugs, or other goods, to be laid up as aforeſaid, and the name or names of the perſon and perſons, to whoſe care the ſame are to be committed; which ſaid perſon or perſons ſhall be accountable for the ſame to his Majeſty, his heirs and ſucceſſors, according to the rules and orders to be given to him or them from time to time for that purpoſe by the lord lieutenant, or other chief governor or governors and council as aforeſaid: and to prevent diſputes that may ariſe concerning the price of ſuch victuals, proviſions, and other neceſſaries for the ſupport and maintenance of ſuch perſons, as ſhall be ſo ſhut up within ſuch lines, trenches, and other places, it ſhall and may be lawful to and for any two juſtices of the peace of ſuch county, where the ſaid victuals, proviſions, and other neceſſaries ſhall be taken up, in caſe of any diſpute about the price, to aſcertain what rates ſhall be paid for ſuch victuals, proviſions, or other neceſſaries, and to direct the ſame, purſuant to ſuch order of the chief governor or governors and privy council of this kingdom, or the major part thereof as aforeſaid, to be delivered to ſuch perſon or perſons, as ſhall be appointed as aforeſaid to receive the ſame.

XIV. Provided always, That if any perſon or perſons ſhall think him or themſelves aggrieved by ſuch price, ſo aſcertained by the ſaid two juſtices, it ſhall and may be lawful to and for ſuch perſon or perſons, after delivery of ſuch victuals, proviſions, or other neceſſaries, to appeal to the next quarter-ſeſſions, whoſe judgment therein ſhall be final and concluſive.

XV. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the lord lieutenant, or other chief governor or governors of this kingdom for the time being, with the conſent of the privy council of this kingdom as aforeſaid, to appoint one or more phyſician or phyſicians, one or more chirurgeon

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nurgeon or chirurgeons, and one or more apothecary or apothecaries, and a convenient number of nurſes, and other attendants, to attend and take care of all and every the perſon and perſons ſo ſhut up as aforeſaid, and to give them ſuch rewards and ſalaries for the ſame as they ſhall judge convenient; which ſaid ſalaries or rewards ſhall be paid out of his Majeſty's treaſury of Ireland by ſuch warrant or warrants as aforeſaid: and in caſe any one or more of the ſaid phyſicians, chirurgeons, apothecaries, or nurſes, ſhall happen to receive the infection in their attendance on any perſon or perſons ſo ſhut up as aforeſaid, and ſhall dye of ſuch infection, it ſhall and may be lawful to and for the ſaid lord lieutenant, or other chief governor or governors of this kingdom for the time being, with conſent of the privy council as aforeſaid, to appoint ſuch ſalaries and penſions for the family and families of the perſon and perſons ſo dying, as the ſaid lord lieutenant, or other chief governor or governors of this kingdom and council as aforeſaid, ſhall from time to time think reaſonable.

XVI. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the lord lieutenant, or other chief governor or governors of this kingdom for the time being, and the privy council as aforeſaid, during the preſent infection, and when any of the places aforeſaid ſhall be infected with the plague, during the continuance of this act, to make and eſtabliſh ſuch further rules, orders, and directions, for preventing the coming in or ſpreading of the infection, and to inflict ſuch pains and penalties, extending even to death, burning of ſhips and cargoes, or any other puniſhment, to be executed in ſuch manner and by ſuch perſons as they in their wiſdom ſhall think fit and reaſonable; which rules, orders, and directions ſo as aforeſaid to be made and notified by proclamation as aforeſaid, ſhall be as good and effectual in law to all intents and purpoſes, as if the ſame had been particularly mentioned and enacted in this preſent act, and ſhall be put in execution for ſuch and ſo long time as in and by the ſaid rules, orders, and directions ſhall be limitted and appointed, not exceeding the continuance of this act.

XVII. And to the end that all perſons may be duly informed of this act, and the matters and things herein contained, be it further enacted by the authority aforeſaid, That this act ſhall be publickly read in all churches and chappels, and all other places of publick worſhip within this kingdom, on the firſt Sunday after the receipt of the ſame, and on the ſecond Sunday in every month afterwards, immediately before the ſermon, during the time this act ſhall continue in force; and ſhall be openly and publickly read in every ſea-port town, and in every town or village next adjoining to every creek or harbour in this kingdom, by the chief officer or principal inhabitant of every ſuch ſea port town or village on the firſt Wedneſday after the receipt thereof, and on the firſt Wedneſday in every month afterwards between the hours of ten and twelve in the forenoon in the moſt publick part of ſuch town or village.

XVIII. And be it further enacted by the authority aforeſaid, That in caſe the lord lieutenant or other chief governor or governors of this kingdom, and the privy council of the ſame, ſhall, in purſuance of the powers herein before granted by their proclamation, prohibit trade and commerce with any kingdom or country infected, or that ſhall or may be hereafter infected, with the plague; and after ſuch proclamation iſſued any perſon or perſons ſhall land or cauſe to be landed any goods, wares, or merchandizes, from on board any ſhip, boat, or veſſel, without having duly entred the ſame, or without the privity or conſent of the chief officer or officers of the port or place, where the ſame ſhall be ſo landed; the perſon or perſons, who ſhall ſo land ſuch goods, wares, or merchandizes, ſhall be and is hereby declared to be a felon without benefit of clergy, and ſhall ſuffer pains of death; and the perſon or perſons, who ſhall cauſe or procure ſuch goods, wares, or merchandizes to be landed, ſhall forfeit the ſum of five hundred pounds, for the benefit of the informer, who ſhall ſue for the ſame in any of his Majeſty's courts of record in Dublin by action

action of debt, bill, plaint, information, or otherwiſe; in which no eſſoign, protection, priviledge of Parliament, or wager of law, ſhall be allowed, or more than one imparlance.

XIX. And for the better watching and guarding the ſea coaſts during time of infection, be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the juſtices of the peace in every county, diviſion, or liberty, or any three or more of them, to direct and appoint the building of watch-houſes in the moſt convenient place or places in every county, diviſion, or liberty, which commands the view of the ſea coaſt, and to ſettle a watch there to conſiſt of ſo many watchmen, and to continue ſo long as the ſaid juſtices ſhall think fit; and for building each of which watch-houſes, ſuch juſtices of the peace may order or contract for any ſum or ſums of money not exceeding the ſum of forty ſhillings; and likewiſe appoint ſuch allowance for ſuch watchmen, not exceeding ſix pence for each watchman for twenty four hours, and for no more than four men to each watch-houſe; which ſum or ſums ſo ordered and appointed they ſhall certifie under their hands and ſeals to the next general aſſizes or quarter-ſeſſions, where ſuch ſum or ſums ſo certified ſhall be added to the ſums preſented by the grand jury at ſuch general aſſizes or quarter-ſeſſions, and be levied on the ſaid county in the ſame manner, as ſuch ſums ſo preſented are uſually levied and raiſed.

XX. Provided alſo, That it ſhall and may be lawful to and for the juſtices of the peace at their quarter-ſeſſions for their reſpective counties, diviſions, or liberties, to order ſuch watch-houſes to be built, and in ſuch places, as the grand jury ſhall preſent to be neceſſary for the aforeſaid purpoſe of guarding the coaſt, and to appoint ſuch number of watchmen and ſuch wages for them, as the ſaid grand jury ſhall preſent to be neceſſary for each watch-houſe; ſo as the ſum for building any one watch-houſe do not exceed five pounds, nor the wages of any one watchman for twenty four hours exceed eight pence; which ſums ſhall be levied and raiſed on the inhabitants of each reſpective county, diviſion, or liberty, in like manner as other publick money is uſually levied and raiſed.

XXI. Provided always, and it is hereby enacted, That no attainder of felony by vertue of this act ſhall extend to work any corruption of blood, or forfeiture of any goods, chattels, lands, tenements, or hereditaments.

XXII. Provided alſo, That if any officer or perſon ſhall be ſued or proſecuted for any matter or thing done in purſuance of this act, it ſhall and may be lawful for the defendant or defendants to plead the general iſſue, and give this act and the ſpecial matter in evidence; and in caſe judgment ſhall be given for ſuch defendant or defendants upon any verdict or demurrer, or by default, or if the plaintiff in ſuch action ſhall be nonſuited or diſcontinue his action, ſuch defendant or defendants ſhall recover double coſts.

XXIII. Provided always, and be it enacted by the authority aforeſaid, That this act ſhall continue in force for one year, from the firſt day of February one thouſand ſeven hundred and twenty one, and until the end of the next ſeſſion of Parliament, and no longer.

Continuance one year. *Expired.*

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CHAP. IV.

An act for the more effectual quieting and ſecuring poſſeſſions, and preventing vexatious ſuits at law.

WHEREAS many of his Majeſty's loving ſubjects, that have been in quiet and peaceable poſſeſſion for many years of lands, tenements, and other hereditaments, as heirs at law by deſcent from their anceſtors, or as purchaſers for valuable conſideration or otherwiſe, have been and may hereafter be put to great trouble and expence in defending themſelves and their eſtates from vexatious ſuits, to be had againſt them by colour of old dormant debts and incumbrances pretended to have been contracted and due by perſons, under whom they derive a title to their eſtates: now foraſmuch as it may be reaſonably preſumed, that debts due by the ſpace of twenty years or more, which have not been demanded, nor any ſuits proſecuted for recovery thereof, or any intereſt or other ſums of money paid or received on account thereof, by the ſpace of twenty years paſt, are ſatisfied and paid, though no legal diſcharge can be produced, or proof made of the payment thereof: be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and every perſon or perſons, that are in any wiſe by law or equity intituled to any debt or duty, ſecured by any penal or ſingle bill, or ſpecialty under hand and ſeal, or any bond, judgment, ſtatute ſtaple, ſtatute merchant, or recognizance, which hath been due and payable by the ſpace of twenty years before the twenty fifth day of December one thouſand ſeven hundred and twenty one, or longer, where no ſuit hath been proſecuted for recovery thereof, nor any intereſt or other ſum or ſums of money paid or received, or other ſatisfaction made on account thereof, by the ſpace of twenty years before the ſaid twenty fifth day of December one thouſand ſeven hundred and twenty one, may proſecute their ſuits for recovery of ſuch debts within the ſpace of two years, to be computed from the ſaid twenty fifth day of December one thouſand ſeven hundred and twenty one, or in default thereof, ſuch debt or debts ſhall be preſumed to be ſatisfied and paid; and in caſe any action or ſuit ſhall after the twenty fifth day of December one thouſand ſeven hundred and twenty three be commenced or proſecuted for recovery of ſuch debt or duty either in law or equity, the party or parties ſo ſued ſhall and may be at liberty to plead payment of ſuch debt in bar of ſuch action or ſuit,

Debt by ſpecialty, bond, judgment, ſtatute, or recogniſance, due 20 years before 25 December 1721, and no ſuit, intereſt, or ſatisfaction, may be ſued for in 2 years, or preſumed ſatisfied:

ſuit, and ſuch plea ſhall be received and allowed as an effectual bar thereof, as if the money had been paid at the day and place at firſt limitted for payment thereof, unleſs the plaintiff or plaintiffs in ſuch action or ſuit make proof, that ſome action or ſuit hath been proſecuted for recovery of ſuch debt, or ſome intereſt or money hath been paid, or other ſatisfaction made on account thereof, within the ſpace of twenty years before ſuch action or ſuit brought or commenced.

If after 25 December 1723, ſuit for recovery of debt by bill, bond, judgment, ſtatute, or recogniſance due 20 years, where no ſuit, or intereſt, &c. in twenty years, payment may be pleaded in bar, unleſs plaintiff proves intereſt paid, &c.

II. And be it further enacted by the authority aforeſaid, That if after the ſaid twenty fifth day of December one thouſand ſeven hundred and twenty three any perſon ſhall commence or proſecute any action or ſuit either in law or equity for recovery of any debt due by ſingle bill or bond under hand and ſeal, or by judgment, ſtatute ſtaple, ſtatute merchant, or recognizance, which ſhall have been due and payable by the ſpace of twenty years before ſuch action or ſuit brought, where no action or ſuit hath been proſecuted for recovery thereof, nor any intereſt or money hath been paid, or other ſatisfaction made on account thereof within the ſpace of twenty years before the commencement of ſuch action or ſuit, the defendant or defendants ſhall and may be at liberty to plead payment in bar of ſuch action or ſuit; and ſuch plea ſhall be received and allowed as an effectual bar thereof, unleſs the plaintiff or plaintiffs in ſuch action or ſuit, or thoſe under whom he or they claim, hath or have commenced or proſecuted ſome action or ſuit for the recovery of ſuch debt or duty, or ſhall prove that ſome intereſt or money hath been paid, or other ſatisfaction made on account thereof, within the ſpace of twenty years before ſuch action or ſuit commenced.

Mortgagee 20 years in poſſeſſion, without a bill to redeem or to account,

III. And whereas it is highly reaſonable for quieting of poſſeſſions, that there ſhould be a time limitted for the redemption of mortgages: be it therefore enacted by the authority aforeſaid, That in caſe any morgagee or mortgagees of any lands, tenements, or hereditaments whatſoever, have been in poſſeſſion thereof by the ſpace of twenty years or upwards, and the mortgagor or mortgagors, or his or their heirs, executors, adminiſtrators, or aſſigns, or the perſon or perſons intituled to the equity of redemption of ſuch lands, tenements, or hereditaments, have permitted the mortgagee or mortgagees, his or their heirs, executors, adminiſtrators, or aſſigns, to continue in poſſeſſion of the mortgaged premiſſes, without bringing his or their bill to redeem the ſame, or to bring the mortgagee or mortgagees, his, her, or their heirs, executors, adminiſtrators, or aſſigns, to account for the profits of the lands and premiſſes mortgaged, and ſhall not before the twenty ninth day of September, which ſhall be in the year

mortgagor, &c. not bringing a bill before 29 Sept. 1723, and proſecuting it with effect,

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year of our Lord one thouſand ſeven hundred and twenty three, commence their ſuit in equity to redeem ſuch mortgage, or for the recovery of the poſſeſſion of the mortgaged premiſſes, and proſecute the ſame with effect; that in every ſuch caſe it ſhall be lawful for the perſon or perſons claiming the intereſt and eſtate in any ſuch mortgage, mortgages, in all courts of equity to plead ſuch poſſeſſion in bar of any relief, and that ſuch mortgagee or mortgagees, their heirs, executors, adminiſtrators or aſſigns, ſhall hold the lands and premiſſes mortgaged to them freed and diſcharged of and from all equity of redemption whatſoever.

poſſeſſion may be pleaded in bar, and the lands diſcharged of equity of redemption.

IV. And whereas by reaſon of the ſeveral rebellions, which have been in this kingdom, ſeveral records, and alſo many ſettlements, deeds, and other evidences relating to the titles of the eſtates of his Majeſty's ſubjects, have been loſt or defaced: be it further enacted by the authority aforeſaid, That all and every perſon and perſons, bodies politick or corporate whatſoever, who are not already barred by the law now in being, who ſhall claim or pretend any eſtate or intereſt either in law or equity in any lands, tenements, or hereditaments in this kingdom, of which ſuch perſon or perſons, bodies politick or corporate, or thoſe under whom he, ſhe, or they claim, hath not or have not been in poſſeſſion at any time within the ſpace of twenty years before the twelfth day of September one thouſand ſeven hundred and twenty one, or ſhall claim or pretend to any incumbrance thereon either in law or equity, ſhall commence, ſue, and proſecute, ſome action or ſuit before the recovery of ſuch lands, tenements, or hereditaments, within five years, to be computed from the twelfth day of September aforeſaid, or elſe ſhall be for ever abſolutely barred and without remedy either in law or equity.

Records and evidences loſt by the ſeveral rebellions:

all perſons not already barred, claiming eſtate or intereſt in, or incumbrance on lands, of which not in poſſeſſion 20 years before 12 Sept. 1721, ſhall ſue in 5 years from thence, or for ever barred.

V. Provided always, and be it further enacted by the authority aforeſaid, That nothing herein contained ſhall be conſtrued to bar the title or claim of any perſon or perſons, bodies politick or corporate, who ſhall commence and proſecute his, her, or their action or ſuit within the ſpace of five years next after his, her, or their title to any lands, tenements, or hereditaments, or any incumbrance thereon ſhall accrue; any thing herein contained to the contrary thereof in any wiſe notwithſtanding.

Not to bar thoſe who ſue in 5 years after title accrued,

VI. Provided always, and be it enacted by the authority aforeſaid, That nothing herein contained ſhall be conſtrued to bar the right or remedy of any perſon or perſons, who ſhall be a *feme covert*, or within the age of twenty one years, *non compos mentis*, or in priſon, or out of the kingdom, or his, her, or their legal repreſentatives, provided he, ſhe, or they ſhall commence and proſecute his, her, or their reſpective actions or ſuits within five years next after ſuch their reſpective diſability ſhall be removed.

or after diſability removed.

VII. Saving to the King's moſt excellent Majeſty, his heirs and ſucceſſors, now, and at all times hereafter, all right, title, and claim to any lands, tenements, rents, hereditaments, mortgages, recognizances, debts, duties, and demands whatſoever, as if this act had never been made; any thing therein contained to the contrary notwithſtanding. A. D. 1721. Saving the right of the King.

CHAP. V.

An act to oblige proprietors and tenants of neighbouring lands to make fences between their ſeveral lands and holdings.

WHEREAS it is found by experience, that many treſpaſſes happen, and frequent diſputes ariſe, between proprietors of lands about mears and bounds of lands; which is in a great meaſure occaſioned by the proprietors and tenants neglecting to make fences between their ſeveral lands and holdings, which heretofore could not be done at equal expence, without the mutual conſent and concurrence of the reſpective proprietors or tenants of ſuch contiguous lands: be it therefore enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of February in the year of our Lord one thouſand ſeven hundred and twenty one, if any proprietor, occupier, or tenant of any lands in this kingdom, ſhall be deſirous to make ditches or fences between his, her, or their lands and holdings and the lands next contiguous and immediately adjoyning thereto, where no diſpute then ſhall be, or ſhall have been, for three years then laſt paſt about the mears between the ſaid lands or holdings ſo intended to be fenced, and where no ſufficient fences, or only dead and dry fenceleſs ditches, then ſhall be, that the proprietor or proprietors, occupier or occupiers, or tenant or tenants of ſuch neighbouring lands, on reaſonable requeſt to him, her, or them made, ſhall be, and is hereby obliged to be at equal expence in making between ſuch ſeveral lands and holdings good and ſufficient ditches of ſix foot wide and five foot deep at leaſt, where the ſame is practicable, well and ſufficiently quicked in good huſbandlike manner with white thorn, crab, or other quickſets, where the ſame will grow, and, in ground where ſuch quickſets will not grow, with furz, and where furz will not grow, or where ditches cannot be made of the ſaid depth and

5 *G.* 2. 9. Proprietor or tenant of lands deſiring to make fences between his and thoſe adjoining, where no diſputes about mears for 3 years, proprietor or tenant thereof ſhall be at equal expence.

Ditches ſix feet wide, and five deep, with quickſets, or furze,

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widenefs, inſtead of a ditch with a dry ſtone wall, where ſtone can be conveniently had, and, where ſtone cannot conveniently be had, with a clay or mud wall not under five foot high and two foot and a half thick at the bottom, and one foot and a half thick at the top, and in wet low ground with ſufficient trenches or drains, the banks thereof to be planted with ſallows, alder, or other aquatick trees, where ſuch aquaticks will grow; and if any proprietor, occupier, or tenant of any neighbouring lands, ſhall refuſe to ſettle and aſcertain the mears and bounds between his, her, or their lands and holdings and the lands and holdings of ſuch perſon or perſons requiring the ſame, in order to have fences made as aforeſaid, then and in that caſe ſuch proprietor, occupier, or tenant of ſuch lands ſo refuſing, ſhall be compellable by bill in equity, or commiſſion of perambulation, to fix, adjuſt, ſettle, and aſcertain the mears and bounds between his or her lands and holdings and the lands and holdings of the perſon or perſons requiring ſuch fence to be made; and ſuch neighbouring proprietors, occupiers, or tenants, ſhall join and be at equal expence in making and preſerving, ſcouring and repairing ſuch ditches, trenches, drains, or fences as aforeſaid, with ſuch proprietor, occupier, or tenant of the neighbouring lands requiring the ſame; and if ſuch neighbouring proprietor, occupier, or tenant refuſe, or for the ſpace of one whole year neglect, ſo to do, then and in ſuch caſe it ſhall and may be lawful for the proprietor, occupier, or tenant of ſuch neighbouring lands requiring the ſame, to make the ſaid ditches, wall, trench, drain, or other fence as aforeſaid, and the tenant or tenants, occupier, or occupiers of ſuch neighbouring lands, who ſhall refuſe or neglect to make ſuch ditches, drains, or fences as aforeſaid, ſhall be anſwerable for, and ſhall pay to, the perſon or perſons, who ſhall make or cauſe the ſame to be made, one full moiety of what he, ſhe, or they ſhall reaſonably, *bona fide*, and without fraud or malice, lay out in making ſuch ditches, walls, drains, trenches, or fences, and in planting ſuch quickſets, and weeding them, and ſecuring the ſame as aforeſaid, together with legal intereſt for ſuch moiety of ſuch ſum ſo laid out as aforeſaid; to be recovered by action of debt in any of his Majeſty's courts of record in Ireland; or, if the ſum expended be under ten pounds, then by civil bill before the juſtices of aſſize and general goal delivery for the county or liberty, where ſuch fences ſhall be made as aforeſaid, and in the county of Dublin before the juſtices of the peace at their general quarter ſeſſions of the peace to be held in and for the ſaid county, with treble coſts.

or a dry ſtone, or mud-wall, not under five feet high, two and a half at bottom, one and a half at top, or trenches, the banks planted with aquaticks.

On refuſal, compellable by bill or commiſſion of perambulation to aſcertain the bounds,

expence of making and preſerving fences, equal;

Proprietor refuſing one whole year ſhall pay half of what is reaſonably and *bona fide* expended,

with intereſt, by *debt*; or if under 10*l.* by civil bill,

treble coſts,

II. Provided

II. Provided always, That there ſhall not be demanded above one ſhilling and ſix pence *per* perch of ſuch ſtone or other wall of the height and thickneſs aforeſaid, or above one ſhilling *per* perch for ſuch ditch, trench, drain, or other fence made and planted as aforeſaid, by the perſon or perſons, who ſhall make or cauſe the ſame to be made; and if it ſhall happen, that after ſuch ditches and fences are made as aforeſaid, the perſon or perſons, whoſe lands the ſame lie on, and who ought to keep up the ſame, do not weed ſuch quickſet, and mend, preſerve, and keep up ſuch fences, or his part thereof, as they ought to do, that then and in that caſe the perſon or perſons ſo neglecting or refuſing to weed ſuch quickſets, and to mend, preſerve and keep up his part of the ſaid fence, ſhall have no remedy for any involuntary treſpaſs committed by the cattle of the proprietor, occupier, or tenant of any the neighbouring lands, for any treſpaſs on his, her, or their lands, or occaſioned by his, her, or their default in mending, preſerving, or keeping up his, her, or their part of ſuch fence or fences as aforeſaid.

not above 1 *s.* and 6 *d.* *per* perch for ſuch wall, or 1 *s.* for a ditch, *&c.*

If fences not preſerved, no remedy for involuntary treſpaſs.

III. And whereas the tenant or occupier of ſuch lands, who ſhall be obliged by this act to ditch and fence as aforeſaid, or pay for the ſame, may be only tenant at will or ſufferance, or have a very ſhort term in the ſaid lands, ſo held by him or her: be it further enacted by the authority aforeſaid, That every perſon or perſons compellable by this act to ditch and fence as aforeſaid, or to pay for the ſame, who ſhall not have an eſtate for life or eleven years in his, her, or their lands, to be fenced and ditched between as aforeſaid, at the time the proprietor or tenant of the neighbouring lands ſhall requeſt him or her to ditch or fence as aforeſaid, that then and in ſuch caſe ſuch tenant ſhall be and is hereby impowered to deduct out of the rent due to his, her, or their landlord or leſſor what he, ſhe, or they ſhall ſo lay out, expend or pay, and ſuch landlord or leſſor ſhall and is hereby required to allow the ſame; ſuch tenant or tenants firſt proving on oath before the juſtices of the peace of the county, where ſuch lands lie, at their general quarter-ſeſſions (which oath ſuch juſtices are hereby impowered to adminiſter) what he, ſhe, or they ſo laid out, expended, or paid.

Tenant, not having eſtate for life or 11 years at the time of requeſt, ſhall deduct out of his rent the ſaid expence, firſt proving it on oath at ſeſſions.

IV. Provided always, That no tenant or farmer for life or years ſhall be obliged to ditch or fence above one fifth part of his, her, or their lands, or holdings in any one year.

Tenant not obliged to fence above one fifth yearly.

V. And whereas the bounds and mears between lands do often run in crooked lines, and ſometimes through places inconvenient for making of ſuch ditches or fences as aforeſaid, and it would be moſt convenient for the occupiers and proprietors of ſuch neighbouring

Where mears crooked,

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neighbouring lands to make the fence between them in a ſtreight line, and to exchange the lands left out on one ſide of ſuch ſtreight line for the lands of equal value, worth, and purchaſe, took in on the other ſide thereof; which may happen to be impracticable for want of a ſufficient eſtate in the proprietors of ſuch neighbouring lands, or one of them, to make ſuch exchange: be it therefore enacted by the authority aforeſaid, That in ſuch caſes the perſons, whoſe lands are ſo contiguous and to be bounded by a fence between them as aforeſaid, may, and they are hereby impowered and enabled, by conſent of the tenant or tenants of ſuch lands, and the immediate owner and proprietor thereof in reverſion expectant on the leaſe then in being, appearing by writing under hand and ſeal atteſted by three credible witneſſes at leaſt, to make the boundaries in ſtreight lines in more convenient places, and to exchange the lands on one ſide of ſuch ſtreight line or fence for the lands of equal value, worth, and purchaſe on the other ſide of ſuch right lines; ſo as ſuch reverſioner be ſeized of the lands, which he ſhall ſo grant in exchange, at the leaſt for term of his own life, with remainder limitted over to the ſons of his body begotten in tail male; and if it ſhall happen that the lands, left on one ſide of ſuch ſtreight line or fence, ſhall be of a greater value, worth, and purchaſe, than the lands took in on the other ſide thereof, then and in ſuch caſe the proprietor, to whom the greater proportion ſhall fall, ſhall be enabled to charge the ſame with a perpetual rent-charge ſufficient to countervail ſuch difference or diſproportion; which rent-charge ſhall go to ſuch perſon and perſons, and for ſuch eſtate and eſtates, and to and for the ſame uſes, as the land ſo charged ought to have gone; and the lands received in exchange ſhall go to ſuch perſon and perſons, and for ſuch eſtate and eſtates, and to and for the ſame uſes, as the lands given in exchange ought to have gone, in caſe no ſuch exchange had been made.

Boundaries may, with conſent of tenant and immediate owner in reverſion in writing, &c. be made ſtreight and in more convenient places,

and the lands exchanged on each ſide,

reverſioner muſt be ſeiſed at leaſt for life, remainder in tail to his ſons.

Where the lands unequal in value, there may be a perpetual rent-charge on the greater proportion, to go as the land ought.

Exchanged lands, to ſame uſes.

VI. Provided always, That no houſe, garden, orchard, wood, or grove, be included in ſuch lands, ſo to be exchanged as aforeſaid.

Houſe, garden, &c. not included.

VII. And be it alſo enacted by the authority aforeſaid, That all ſuch exchanges or agreements ſhall be binding to all perſons, any deviſe, ſettlement, or limitation of uſe to the contrary notwithſtand: provided the lands ſo exchanged to the intent aforeſaid do not exceed the quantity of two acres plantation meaſure in every one hundred perches of ſuch line or fence; each perch in this act mentioned containing twenty one foot and no more.

Exchange binding, notwithſtanding any limitation,

if not above two acres every 100 perch, at 21 feet each.

VIII. And

VIII. And be it further enacted by the authority aforeſaid, That in caſe any perſon ſhall refuſe to fence or plant according to the true intent and meaning of this act, ſo as in default of ſo doing the proprietor, poſſeſſor, or tenant of the adjoining land ſhall fence and ditch between his land or holding and the neighbouring lands or holdings, the perſon or perſons ſo ditching or fencing as aforeſaid ſhall and may aſcertain and ſet out an equal proportion of ſuch fence, which the tenant or tenants, or occupier or occupiers, of the adjoining lands ſhall be obliged from time to time to keep in good order and repair as his part of the ſaid fence, and to weed and preſerve the quickſets, if any planted thereon.

The perſon fencing, on refuſal of the other, ſhall aſcertain an equal proportion to be preſerved by the other.

IX. Provided always, That nothing herein contained ſhall extend to avoid any covenants or contracts made between landlord or tenant for fencing, ditching, draining, and incloſing lands.

Not to avoid contracts between landlord and tenant.

X. Provided likewiſe, and be it further enacted, That where the landlord or landlords are obliged to allow his, her, or their tenant or tenants for ditching or fencing between their holdings and their neighbours as aforeſaid, ſuch tenant and tenants reſpectively, to whom ſuch allowance ſhall be made, ſhall at the time of making ſuch allowance give ſecurity by his or their own bonds of the penalty of the whole ſum ſo allowed to ſuch landlord and landlords, conditioned for the due and effectual weeding of ſuch quickſets planted, and the preſerving and keeping up the ſaid ditches and fences, for which they ſhall be ſo allowed during their reſpective terms in the ſaid lands, in good tenantable order and condition; and, in caſe of refuſal to give ſuch bond as aforeſaid, ſuch tenant ſo refuſing ſhall not have the benefit of ſuch allowance, any thing herein contained to the contrary notwithſtanding.

Tenant on allowance by landlord for fences ſhall give bond for preſerving;

or not have benefit of allowance.

XI. Provided always, That nothing in this act contained ſhall extend to oblige any proprietor, occupier, or tenant, of any lands to fence or ditch between any lands, whereof the plantation acre ſhall not at the time, when requeſt ſhall be made for the doing thereof, be worth, and which ſhall not really pay the landlord, two ſhillings *per annum*, over and above quit or crown rent.

None obliged to fence, where plantation acre pays not to landlord 2 *s. per annum*, above quit or crown-rent.

XII. Provided alſo, That no proprietor or leſſor of ſuch lands ſhall be obliged to pay or allow in any one year for ditching or fencing as aforeſaid in purſuance of this act more than the twentieth part of the annual rent, payable out of ſuch land to ſuch proprietor or leſſor; and that the tenant or tenants of ſuch proprietor or leſſor ſhall not be obliged to expend more in any one year in making ſuch fences, than the twen-

Leſſor not obliged to allow more than 20th. part of annual rent, nor tenant to expend more, in one year.

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tieth part of his or their rent payable to ſuch proprietor or leſſor.

None obliged to fence any incloſure not containing 10 acres, a ditch above ſix feet wide, and five deep.

XIII. Provided always, That no proprietor, tenant, or occupier of land, ſhall by virtue of this act be obliged to fence in or encloſe any parcel of land or ground in any one park or incloſure, which ſhall not contain at leaſt ten acres plantation meaſure, with a ditch or fence of above ſix foot wide, and five foot deep; and that the moſt uſual ways and paſſages to and from intermixed lands, ſurrounded by other proprietors, be left open and paſſable as formerly; any thing herein contained to the contrary notwithſtanding.

uſual paſſages left open.

No mears ſo made concluſive, unleſs agreement in writing, &c. or ſuffered to ſtand five years after determination of leaſe in being, or after diſability removed.

XIV. Provided always, That no mears between lands belonging to ſeveral proprietors, incloſed or ditched by virtue of this act, ſhall be binding or concluſive, ſo as finally to ſettle the mears and bounds between ſuch lands, unleſs the proprietors of the ſaid lands do agree to the ſame in writing under his, her, or their hand and ſeal, atteſted by three or more credible witneſſes, before or after the time of ſuch ditching, fencing, or bounding, or ſhall ſuffer the ſaid mears ſo ditched and incloſed to ſtand for the ſpace of five years after the determination of ſuch leaſe or leaſes of the ſaid lands, as are or ſhall be then in being; and in caſe of infancy, coverture, being beyond ſea, or of *inſane* memory, or where a remainder ſhall be claimed by any ſettlement or will, five years after attaining the age of one and twenty years, becoming *diſcovert*, returning from beyond ſea, or becoming of *ſane* memory, or from and after ſuch remainder ſhall take place.

CHAP. VI.

An act for the further amendment of the law, and for continuing and amending ſeveral acts near expiring.

17 & 18 *C.* 2. 20. Writs of aſſiſe and *niſi prius* may be before *puiſne* barons, or any of King's council,

WHEREAS a doubt has been made whether writs of *niſi prius* or aſſize can be executed before the puiſne barons of his Majeſty's court of Exchequer, not being ſworn ſerjeants: for the ſpeedier diſpatch of juſtice, be it declared and enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament, and by the authority of the ſame, That writs of aſſize and *niſi prius* ſhall and may be executed before the ſaid barons of his Majeſty's court of Exchequer, or any or either of them, or before his Majeſty's prime ſerjeant at law, attorney-general, ſollicitor-general, or any or either of them, or any other of his Majeſty's council learned in the law; and that they, or any, or either of them, may be commiſſioner or commiſſioners

who may alſo be commiſſioners of

missioners of oyer and terminer, and goal-delivery, and shall have such and the same power, as the justices of the one bench or the other have in the execution of such writs or commissions in every or any county of this kingdom, when so appointed; any law or statute to the contrary notwithstanding.

goal delivery, &c.

II. And whereas by an act of Parliament made in the fifteenth year of the reign of King Charles the first, intitled, *An act against discontinuances of writs of error in the court of Exchequer, and for the better expedition in giving judgment therein*, it is among other things enacted, "That if both the chief justices of either bench, "or any one of the great officers, the lord chancellor, lord-trea- "surer, or the vice-treasurer, shall come to the Exchequer-cham- "ber, and be there present at the day of adjournment, there shall "be no discontinuance:" and whereas it may be inconvenient at all times to require the attendance of both the said chief justices at the day of such adjournment: be it therefore further enacted by the authority aforesaid, That if any one of the said chief justices of either bench shall come to the Exchequer-chamber, and be there present at the day of adjournment, there shall be no discontinuance; and that it shall and may be lawful to and for the said chief justices, or either of them, in the absence of the said chancellor, treasurer, and vice-treasurer, to adjourn the said court of Exchequer-chamber to such further day and time, as shall be proper and convenient.

Recital of 15 C. 1. 5. Sec. 1. 1 G. 2. 17.

If one chief justice in Exchequer chamber at day of adjournment, no discontinuance; may adjourn in absence of lord chancellor, &c.

III. And be it further enacted by the authority aforesaid, That at all times hereafter when the lord chief baron of this kingdom shall be absent from Dublin, every person or persons nominated and appointed to any office or employment, and who by the laws of this kingdom are directed to be sworn before the lord chief baron, and take the oath or oaths of office before him, shall and may be sworn into their respective office or offices in the absence of the lord chief baron before the chancellor of his Majesty's court of Exchequer in this kingdom, or before any one of the barons thereof, who are hereby impowered and required to administer the said oaths; and that such person or persons, who shall be so sworn before the said chancellor of the Exchequer, or either of the said barons, shall and are hereby declared to be as effectually instated on his or their office or offices, and shall take upon him or them the execution thereof in the same manner, as if they had actually been sworn before the lord chief baron; any law or statute to the contrary notwithstanding.

In absence of chief baron, oaths of office may be taken before chancellor, or any baron, of Exchequer.

IV. And whereas by an act passed in the second year of his present Majesty's reign, intitled, *An act for the reviving and amending an act*, intitled, *An act for recovery of small debts in a summary way before the judges of assize*; it is amongst several other things enacted,

Recital of 2 G. 1. 11. Sec. 2.

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enacted, " That the ſummons or proceſs ſhould be ſerved on the " defendant, if he could be met with, and if he cannot be met " with, then by ſhewing the original proceſs or ſummons to, and " leaving a copy of the ſame with, the defendants wife, ſon, " daughter, or menial ſervant, being of the age of ſixteen years, " at the defendants uſual place of abode:" and whereas the ſaid proceſs ſhewed to, and copies thereof left with the brothers, ſiſters, or other relations of the defendants living in his or her houſe, have not been deemed good ſervice: be it further enacted by the authority aforeſaid, That the ſhewing the original proceſs or ſummons unto, and leaving a copy thereof at the defendants houſe with, the brother, ſiſter, or any other relation of the defendants, living within the defendants houſe, and being of the age of ſixteen years and upwards, ſhall be for the future deemed and taken to be good ſervice of the defendants.

On civil bill ſervice of proceſs on any relation of defendant, living in his houſe and 16 years old, good.

V. And be it further enacted by the authority aforeſaid, That all ſeneſchals, ſtewards, judge or judges, officer or officers, of inferior courts, having lawful power to grant or iſſue out replevins, are hereby required to take in his or their names from the plaintiff or plaintiffs in replevin a bond with ſufficient ſureties for proſecuting of the ſuit, and alſo for returning of the goods and chattles ſo replevied, if a return be awarded, before he or they make deliverance of the diſtreſs.

Officers of inferior courts, before deliverance of diſtreſſes ſhall take from plaintiff in *replevin* bond with ſureties to proſecute, and to return goods if ſo awarded.

11 G. 2. 19. *ſec.* 23. *Eng.*

VI. And be it further enacted by the authority aforeſaid, That the ſeneſchals, ſtewards, judge or judges, officer or officers, of ſuch inferior courts, at the requeſt and coſts of the avowant or defendant in ſuch action or ſuit, ſhall aſſign to the avowant or defendant in ſuch action or ſuit ſuch bond, taken from the plaintiff in replevin, by endorſing the ſame under his or their hands and ſeals in the preſence of two or more credible witneſſes, for which ſix pence ſhall be paid, and no more; and if ſuch bond taken from the plaintiff or plaintiffs in replevin be forfeited, the avowant or defendant in ſuch action or ſuit, after ſuch aſſignment made, may bring an action in his own name, and proceed to judgment and execution thereupon.

and aſſign the ſame by indorſement to avowant, paying 6 *d.*

who may ſue in his own name.

VII. And whereas an act made in the ſecond year of his Majeſty's reign, intitled, *An act to encourage draining and improving of boggs and unprofitable low grounds; and for eaſing and diſpatching the inland carriage, and conveyance of goods from one part to another within this kingdom,* is found defective, and inſufficient to anſwer the ends and purpoſes thereof, by reaſon of the inconvenient method therein preſcribed for continuing the commiſſioners, appointing the undertakers, adjuſting the damages, and deciding the properties concerned therein, and affected thereby: be it therefore enacted by the authority aforeſaid, That all and every the

2 G. 1. 12. Defects therein.

Members of parliament and juſtices adja-

the members of Parliament, and juſtices of the peace, for the time being, of the ſeveral counties in the ſaid act mentioned to be reſpectively next adjacent to the reſpective works therein ſpecified and provided for, ſhall henceforth be and are hereby reſpectively appointed commiſſioners for the ſame; and that they, or any five or more of them for the time being ſhall at all times hereafter have, exerciſe, and uſe the ſame and like powers and authorities in all things relating to the ſaid reſpective works, for which they are reſpectively hereby appointed commiſſioners, as the commiſſioners appointed by the ſaid act, or any ſeven or other *quorum* or number of them, ſhould, might, or ought to have had, exerciſed, or uſed, by force and virtue of the ſaid act; any thing therein contained to the contrary notwithſtanding: and that every inſtrument of nomination hereafter to be perfected, whereby any undertaker ſhall be named and appointed for effecting any of the ſaid works, ſhall be ſigned and ſealed by five or more members of Parliament, or juſtices of the peace of each of the ſeveral next adjacent counties to ſuch reſpective work or works, for which ſuch nomination ſhall be given; and, upon due entring a memorial of ſuch inſtrument in the office appointed by law for regiſtring deeds, conveyances, and wills in this kingdom, ſhall then and thenceforth be a legal and ſufficient authority to ſuch undertaker, and to his heirs, and aſſigns, and nominees, to and for the uſes, intents, and purpoſes declared by the ſaid act.

cent to the works therein ſpecified ſhall be commiſſioners, and any five may act.

3 *G.* 2. 3. other commiſſioners appointed.

25 *G.* 2. 10.
29 *G.* 2. 10.

Inſtrument of nomination of undertakers ſhall be ſigned and ſealed by five, and regiſtered.

VIII. And be it further enacted by the authority aforeſaid, That the prothonotaries of his Majeſty's court of Chief place and Common pleas, the clerk of the pleas of his Majeſty's court of Exchequer, and the clerk of the recognizances and ſtatute ſtaple of his Majeſty's high court of Chancery, and their ſeveral and reſpective deputies for the time being, when any ſearch is deſired or required to be made by them, or any of them, about or concerning any judgment or judgments, ſtatutes ſtaple, ſtatutes merchant, recognizance or recognizances, which have been entered at any time ſince the twenty ninth day of May in the year of our Lord one thouſand ſix hundred and ſixty, or which hereafter ſhall be entered in any of the courts aforeſaid, when no judgment or judgments, ſtatutes, or recognizances, can be by ſuch prothonotaries, clerk of the pleas, or clerk of the recognizances and ſtatutes, or their reſpective deputies, found entered in any of the ſaid ſeveral and reſpective courts againſt the perſon or perſons, concerning or about whom ſuch ſearch is made, or deſired or required to be made, then and in ſuch caſe ſuch prothonotaries, clerk of the pleas, and clerk of the recognizances and ſtatute ſtaple, or their reſpective deputies for the time being, ſhall give a certificate under their ſeveral and reſpective hands to the perſon or perſons requiring the ſame, that,

Prothonotaries of B. R. C. B clerk of pleas of Exchequer and, of recogniſances and ſtatute ſtaple, when ſearch required of judgments, &c. entered ſince 29 Sept. 1660. or hereafter, ſhall give certificates if none found, or of ſuch as they ſhall find.

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having made diligent ſearch in their reſpective offices, they do not find any judgment or judgments, ſtatute or ſtatutes ſtaple or merchant, recognizance or recognizances, reſpectively entered againſt the perſon or perſons, concerning or about whom ſuch ſearch is made; or if any judgments, ſtatutes, or recognizances be entered againſt ſuch perſon or perſons, concerning or about whom ſuch ſearch is made, or required to be made, then and in ſuch caſe they ſhall reſpectively certifie, that they only find ſuch judgments, ſtatutes, and recognizances entered againſt ſuch perſon or perſons, as ſhall be mentioned in ſuch certificate, and no other; which ſaid certificates the ſaid prothonotaries, clerk of the pleas, and clerk of the recognizances and ſtatutes, or their reſpective deputies for the time being, are hereby required to ſign and give under their reſpective hands aforeſaid; and if any of the officers aforeſaid, or their reſpective deputies, ſhall be guilty of any fraud, colluſion, or wilful neglect in making out any ſuch certificate, whereby any perſon ſhall be aggrieved or damnified, ſuch perſon ſo damnified, his heirs, executors, or adminiſtrators, ſhall recover his damages againſt ſuch officer or his deputy, with full coſts of ſuit.

If guilty of fraud or wilful neglect, damages to party and full coſts.

IX. And be it further enacted by the authority aforeſaid, That no ſheriff, or other officer or officers, to whom any *habeas corpus*, taken out for or in behalf of any defendant, ſhall be directed, ſhall be obliged to remove the body of ſuch defendant, being in cuſtody on any execution taken out on a judgment in any civil action, by virtue of any ſuch writ of *habeas corpus*, until ſuch defendant, that ſues out the ſaid writ, ſhall depoſit ſuch ſum to defray the expences of the ſaid removal, as the court or judge, who grants the ſaid *habeas corpus*, ſhall think proper.

On *habeas corpus* officer not obliged to remove the body on judgment in civil action, till ſuch ſum as the court thinks fit depoſited for the expence.

X. And whereas bonds with warrants of attorney for confeſſing judgment thereupon are a common ſecurity in this kingdom for money lent: and foraſmuch as it often happens, that perſons, againſt whom judgments in actions of debt are obtained on ſuch bonds and warrants or otherwiſe, do die, leaving their heirs under the age of one and twenty years, and by reaſon of the minority of ſuch heirs, the perſons recovering ſuch judgments have been many years kept out of the money ſo due to them, and in ſome caſes for a conſiderable time after the intereſt has exceeded the penalty of a bond, on which ſuch judgment was obtained, by reaſon that in a *ſcire facias*, taken out in order to have execution on ſuch judgment, the paroll ſhall demur for nonage of the heir: for remedy thereof be it further enacted by the authority aforeſaid, That where the heir, who ſhall be ſummoned in a *ſcire facias*, iſſued out in order to have execution on a judgment obtained in an action of debt, ſhall pray that the parol may demur during his nonage, the court, in which ſuch cauſe ſhall depend, ſhall on

Bonds with warrants a common ſecurity.

Inconvenience of parol demurring on *ſcire facias* againſt infant heir,

If heir, ſummoned in *ſcire facias* on judgment in debt, prays that parol may demur, court on motion ſhall aſſign two

motion for that purpoſe aſſign two fit perſons, or more, as guardians for ſuch minor, of the neareſt relations of ſuch minor, if any ſuch ſhall appear to be fit and proper perſons for ſuch guardianſhip; which guardian ſo appointed by the court, together with the guardian or guardians appointed by the laſt will of the anceſtor of ſuch heir, if ſuch there be, ſhall within ſuch reaſonable time as the court ſhall appoint, not being leſs than ſix months, plead to the ſaid *ſcire facias* in behalf of ſuch minor, and proceedings ſhall be had thereupon in the ſaid court, as if ſuch plea had been pleaded by an heir of full age.

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guardians, of neareſt relations, who with teſtamentary guardians (if any ſuch) ſhall plead in reaſonable time, not leſs than ſix months;

XI. And whereas an act paſſed in this kingdom in the ſecond year of his preſent Majeſty's reign, intituled, *An act to make the militia of this kingdom more uſeful*; which ſaid act was continued by one other act made in the laſt ſeſſion of this preſent Parliament: and whereas an act paſſed in this kingdom in the fourth year of his preſent Majeſty's reign, intituled, *An act for the preſerving all ſuch ſhips and goods thereof, which ſhall happen to be forced on ſhore, or ſtranded upon the coaſts of this kingdom*: and whereas an act paſſed in this kingdom in the ſixth year of his preſent Majeſty's reign, intituled, *An act for the more effectual preventing the running of goods, and for the further preventing of frauds committed in his Majeſty's cuſtoms*; which ſaid ſeveral acts are only temporary, and by experience are found to be good and profitable for this kingdom, and fit to be continued: be it further enacted by the authority aforeſaid, That the ſaid ſeveral laſt mentioned acts, and all clauſes, proviſions, and articles therein contained, ſhall continue and endure in force for two years, from the twenty fifth day of December one thouſand ſeven hundred and twenty one, and from thence to the end of the then next ſeſſion of Parliament, and no longer.

Militia: 2 G. 1. 9. continued by 6 G. 1. 3.

Wreck: 4 G. 1. 4.

Cuſtoms: 6 G. 1. 8.

Said acts continued 2 years, &c.

X. And be it enacted by the authority aforeſaid, That where any leaſe or leaſes for life or lives have been or ſhall be made of any mannors, lands, tenements, or hereditaments, reſerving rent, it ſhall and may be lawful to and for all and every perſon or perſons, to whom the reverſion or remainder on ſuch leaſe or leaſes for life or lives ſhall belong, to grant ſuch eſtate in reverſion or remainder for life of ſuch perſon or perſons, as he or they ſhall intend to make tenant or tenants to the *præcipe*, and thereupon a *præcipe* ſhall and may be brought againſt ſuch perſon or perſons, whereon a common recovery or recoveries ſhall and may be had and ſuffered of the mannors, lands, tenements, and hereditaments ſo leaſed; and ſuch recovery and recoveries ſhall bind and bar the tenant and tenants, vouchee and vouchees, in ſuch recovery and recoveries, and the perſons in reverſion and remainder, according to their reſpective intereſt and eſtates, in ſuch manner and form, as if ſuch leaſe or leaſes for life or lives had never been made, and not otherwiſe.

Perſons in remainder or reverſion on leaſes for lives may make tenant to *præcipe*, and ſuffer recovery, as if no ſuch leaſes in being. 14 G. 2. 20. *Eng.* 21. G. 2. 11.

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CHAP. VII.

An Act for the further amendment of the laws in relation to butter and tallow casks, hides, and other commodities of this kingdom, and for preventing the destruction of salmon.

10 *Wil.* 3. 2. 2 *Anne* 15. 6 *Anne* 12. 2 *G.* 1. 16. 4 *G.* 1. 12. 10 *G.* 1. 9. 12 *G.* 1. 5. 13 *G.* 2. 12. 21 *G.* 2. 7. 29 *G.* 2. 8.

The laws as to butter and tallow ineffectual,

WHEREAS the several laws now in force for reforming abuses in making of butter and tallow casks, and preventing the false packing of butter and tallow, have as yet been found ineffectual: and whereas great frauds and abuses are frequently practised in selling of green hides and other commodities of this kingdom, whereby the said goods are brought into disrepute abroad, and yield not that price, nor are vended in such quantities, as otherwise they would, to the great discredit of the trade of this kingdom: for remedy whereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That in the city of Dublin and liberties thereto adjoining, and in every other city and town corporate, or other place of export, and at some market-town in every barony in this kingdom, from and after the twenty fifth day of March, which shall be in the year of our Lord one thousand seven hundred and twenty two, one or more publick weigh-house or weigh-houses, as occasion shall require, shall be appointed for the weighing of all butter and tallow there sold, or thence to be exported in casks; which said weigh-house or weigh-houses shall be appointed by the chief magistrate or magistrates of such cities and towns corporate, and in other places of export or market towns to be appointed in the barony, where there are no magistrates, by the justices of the peace at the quarter-sessions of the respective county or counties, wherein such places of export or market town shall be, and in the liberties adjoining to the city of Dublin by seneschals thereof respectively.

Abuses in selling green hides, &c.

after 25 Mar. 1722 in every city, &c. and at some market town in every barony, publick weigh-houses to be appointed for butter and tallow sold, or exported in casks, by chief magistrates, or at sessions, or seneschals in liberties of Dublin;

II. And to the intent that there shall be no fraud or imposition committed or had in the weighing and selling such commodities, be it further enacted by the authority aforesaid, That in all such cities and towns corporate, or places of export, the chief magistrate or magistrates, where there are chief magistrates, by writing under his or their hands; and in other places, where there are no chief magistrates, the justices of peace at their quarter-sessions of the respective counties by order in writing; and in the liberties adjoining to the city of Dublin the respective seneschals by writing under his or their hands, shall have power, and they are hereby impowered and required, without fee, or reward, or other consideration for so doing, to appoint publick weigh-masters or

officers

officers to weigh all butter and tallow, which shall be brought to any such places for sale or export; which said weigh-master or weigh-masters shall be appointed as aforesaid during pleasure only, and shall attend at such weigh-house or weigh-houses by himself, or his deputy, to be approved of by such chief magistrate or justices of the peace at the quarter-sessions, or seneschals respectively, in manner aforesaid, every day in the week (Sundays and holy days excepted) from nine in the morning till twelve, and from two to five in the afternoon; and shall provide necessary weights and scales, and branding irons, for such service; and shall, before he or they enter into his or their office of weigh-master, give bond to the chief magistrate or seneschals aforesaid, or enter into a recognizance before the justices of peace at their sessions respectively, for his true and faithful performance and execution of his said office; and such weigh-master or weigh-masters, and his and their deputy or deputies, before they respectively enter upon the said office, shall take the oath following: *viz.*

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and weigh-masters, during pleasure;

to attend (or by deputy) daily, from 9 to 12, and from 2 to 5;

and provide scales, &c.

first give security,

and take an oath,

I A. B. do swear, that I will diligently and faithfully execute the office of publick weigh-master, during the time I shall continue in the said office; I will take care truly, without fraud, to weigh all butter and tallow in casks, which shall be brought to me to be weighed; and in all other respects I will truly execute my said charge.

So help me God.

Which oath the said chief magistrates, seneschals, and justices of the peace at their quarter-sessions respectively, are hereby impowered to administer, before such weigh-master or weigh-masters or deputies shall enter upon the execution of their said offices; which weigh-master, or weigh-masters, his and their deputy or deputies, are hereby directed and required to weigh all such butter and tallow in casks, as shall be brought to them to be weighed, without delay.

shall weigh without delay.

III. And whereas the trade in relation to butter and tallow is very much prejudiced by the evil practices of persons, that make it their business to buy up such commodities, before they are brought to any publick markets, where weights may be had; and likewise by the packing up of butter and tallow in casks, not being made and branded conformable to the laws already made: be it further enacted by the authority aforesaid, That from and after the said twenty fifth day of March one thousand seven hundred and twenty two no butter or tallow, which shall be packed up, or put into any cask or casks for sale, shall be bought or sold, before the same shall be weighed by some one of the said publick weigh-master or weigh-masters, or his or their deputy or deputies

No butter or tallow packed for sale shall be bought or sold before so weighed, or in cask not branded.

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ties, to be approved as aforeſaid, or ſhall be ſold in any caſk not marked and branded according to this act; and if any ſuch goods or commodities, ſo packed up in caſks, ſhall be ſold or bought, and delivered by any perſon or perſons, before they ſhall be brought to ſome publick weigh-houſe, and weighed in manner aforeſaid, then and in ſuch caſe the buyer and ſeller ſhall reſpectively forfeit the ſum of ten ſhillings each for every caſk of butter and tallow ſo bought, to be recovered in ſuch manner and for ſuch uſes as the ſame herein after is directed to be recovered and applied.

Penalty on buyer and ſeller before weighed, 10 s. each, every caſk.

IV. And to the intent that all ſuch goods and commodities may appear to be publickly and fairly weighed, be it further enacted by the authority aforeſaid, That each weigh-maſter or his deputy ſhall mark the weight of each caſk weighed by him at the top, bottom, and ſide of ſuch caſk, and ſhall fix an office-mark or brand thereon, and ſhall likewiſe enter in books, to be fairly kept by him for that purpoſe, the account of all ſuch butter and tallow, which he ſhall ſo weigh, and the buyers and ſellers names, and the weight, number, tare, and mark of each parcel ſo bought; for which ſuch weigh-maſter or weigh-maſters ſhall be paid and allowed for each caſk of butter, that ſhall contain half a hundred weight, or under one hundred weight, one farthing; and for every caſk, that ſhall contain one hundred weight or upwards, the ſum of one halfpeny; and for every caſk of tallow three pence, to be paid by the buyer of ſuch butter and tallow reſpectively.

weight to be marked at top, bottom, and ſide, and with office brand.

Account thereof to be entered, and names of buyers and ſellers.

Allowance to weigh-maſter,

paid by buyer.

V. And to the intent that the weight of each empty caſk for packing of butter may be truly known, be it further enacted by the authority aforeſaid, That no perſon or perſons from and after the ſaid twenty fifth day of March one thouſand ſeven hundred and twenty two ſhall buy or ſell any empty caſk or caſks for packing of butter for ſale, before ſuch caſk or caſks ſhall be weighed by the publick weigh-maſter, or his deputy, of ſome one of the ſaid cities, towns corporate, or places of export, or market-town, in the barony, or in the ſaid liberties adjoining to the city of Dublin, to be appointed as aforeſaid; which weigh-maſter or his deputy ſhall and is hereby impowered and required to weigh all ſuch empty caſks, and ſhall on weighing ſuch empty caſk or caſks allow on account of ſoakidge two pounds more in the weight for each caſk or firkin containing half a hundred weight of neat butter, and four pounds to each caſk containing one hundred weight, and ſo in proportion according to the largeneſs of the caſk; the weight of which empty caſk, with the allowances for ſoakidge as aforeſaid the ſaid weigh-maſter, or his deputy, is hereby required and directed to brand on the head, ſide, and bottom of ſuch empty caſk or caſks, together with the firſt letter of his chriſtian name and his ſir-name at length, with the name of the city, town corporate,

Empty casks ſhall be weighed.

Allowance for ſoakidge, 4 lb. in cask containing 100 weight,

branded thereon, with his name, and of the place,

corporate, place of export, liberties, or market-town in the barony, to be appointed as aforeſaid, where ſuch empty caſk or caſks ſhall be weighed as aforeſaid; which empty caſk or caſks, ſo branded as aforeſaid, ſhall be only ſold in ſome publick market of this kingdom; and in caſe any perſon or perſons ſhall buy or ſell any caſk or caſks not branded as aforeſaid, or in any other place than in ſome market town of this kingdom, contrary to the true intent and meaning of this act, the buyer and ſeller ſhall reſpectively, for every caſk ſo ſold or bought, forfeit the ſum of two ſhillings and ſix pence; ſuch forfeiture to be recovered and applied in ſuch manner and to ſuch uſes as are herein after directed.

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and ſold only in publick market:

Penalty on buyer and ſeller, 2 s. & 6 d. every caſk.

VI. Provided always, That no weigh-maſter ſhall weigh and brand as aforeſaid any empty firkin or caſk, which may contain half a hundred weight of neat butter, that ſhall weigh leſs than ten pounds weight; nor any caſk, which may contain one hundred weight of neat butter, that ſhall weigh leſs than twenty pounds weight, and ſo in proportion for a larger caſk; any thing herein contained to the contrary notwithſtanding.

Caſk to contain 100 weight, ſhall not weigh leſs than 20 lb.

VII. And be it further enacted by the authority aforeſaid, That every weigh-maſter ſhall have and be paid for every empty firkin or caſk, that can contain half a hundred and under one hundred weight of neat butter, which he ſhall weigh and brand as aforeſaid, the ſum of a farthing; and for every caſk, that can contain one hundred weight and upwards of neat butter to be marked and branded as aforeſaid, which he ſhall weigh and brand as aforeſaid, the ſum of one halfpeny; to be paid by each ſeller or other perſon or perſons having the property in ſuch caſk or caſks; and in caſe any perſon or perſons, who according to the directions of this act is liable to pay the ſeveral and reſpective rates and duties payable to the reſpective weigh-maſter or weigh-maſters, for or on account of weighing ſuch caſk or caſks of butter or tallow, or ſuch empty butter caſk as aforeſaid, ſhall refuſe to pay the ſame, ſuch weigh-maſter or weigh-maſters, who ſhall reſpectively weigh and brand ſuch caſk or caſks as aforeſaid, ſhall and may detain ſuch caſk or caſks of butter and tallow, or ſuch empty caſks, until payment is made to him or them reſpectively, according to the true intent and meaning of this act.

Allowance to weigh-maſter,

paid by ſeller of ſuch caſks.

till payment made, casks may be detained.

VIII. And be it further enacted by the authority aforeſaid, That if any weigh-maſter ſhall neglect or refuſe to attend on the days, and during the reſpective times, hereby appointed by himſelf or his deputy as aforeſaid, ſuch weigh-maſter or weigh-maſters ſhall for each offence of themſelves or deputies reſpectively forfeit the ſum of five pounds; to be recovered by him or them who will ſue for the ſame by civil bill in the ſeveral and reſpective counties, where ſuch weigh-houſe or weigh-houſes are appointed, before

Weigh-maſter not attending,

Penalty 5 l. to proſecutor by civil bill.

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before the judges of aſſize, or by petition in nature of a civil bill at the quarter-ſeſſions to be held for the city of Dublin, or county of the city of Dublin, which the juſtices at the ſaid ſeſſions are hereby impowered to hear and determine.

Altering or counterfeiting any brand,

Penalty 20l. to proſecutor.

II. And be it further enacted by the authority aforeſaid, That if any perſon or perſons from and after the ſaid twenty fifth day of March one thouſand ſeven hundred and twenty two ſhall alter or counterfeit any brand or mark on any firkin of caſk, ſuch perſon or perſons ſhall forfeit the ſum of twenty pounds to the perſon, that ſhall proſecute or ſue for the ſame; to be recovered by action of debt, bill, plaint, or information, in any of his Majeſty's courts of record in Dublin; in which no eſſoign, protection, or wager of law, or more than one imparlance ſhall be allowed.

Tallow caſks ſhall be hooped,

Penalty 10 s.

or to be whipt.

III. And for the better regulating of tallow caſks, be it further enacted by the authority aforeſaid, That no perſon or perſons from and after the ſaid twenty fifth day of March one thouſand ſeven hundred and twenty two ſhall pack up tallow for ſale in any caſk or caſks, unleſs ſuch caſk or caſks are hooped with five hoops at leaſt on each end, and ſizable to the different bulks of each caſk; and if any cooper or coopers, or other perſon or perſons, ſhall pack up tallow, or expoſe the ſame to ſale, in any other caſk than as aforeſaid, ſuch perſon or perſons ſo offending, upon conviction before one or more of his Majeſty's juſtices of the peace or chief magiſtrate of the county or town, where ſuch offence ſhall be committed, by the oath of one or more witneſs or witneſſes, or by confeſſion of the offender, ſhall forfeit for every ſuch caſk the ſum of ten ſhillings to the uſe of the informer; the ſaid penalty to be levied by diſtreſs and ſale of the offenders goods by warrant under the hand of the ſaid juſtice or other chief magiſtrate, returning the overplus after a deduction of the neceſſary charges of ſuch diſtreſs and ſale; and in caſe ſuch offender or offenders ſhall not have goods or chattels ſufficient to anſwer the ſaid penalty, ſuch offender by a warrant, to be made under the hand and ſeal of ſuch juſtice of the peace or chief magiſtrate, ſhall be publickly whipt through ſome market-town in the ſaid county in or near ſuch town, where the offence was committed for three market days ſucceſſively, between the hours of eleven and twelve in the fore-noon.

21 G. 2. 7. *altered.*

29 G. 2. 8. Lord mayor of Dublin, or ſeneſchals to

IV. And whereas great abuſes are frequently committed by the wilful dirting of hides and calve-ſkins, and by gaſhing and cutting them in flaying: for remedy whereof, be it enacted by the authority aforeſaid, That in the city of Dublin the lord mayor for the time being, and in the liberties thereto adjoining the reſpective ſeneſchals thereof, are hereby authorized and required within their reſpective juriſdictions to provide ſome clean publick place for expoſing

posing all green hides or calve-skins to sale; and that no such hides or calve-skins shall be sold or exposed to sale, after such place shall be so appointed, but at such publick place or places; and such hides shall not be sold by hand, but by weight; upon pain of forfeiting, as well by the buyer as seller, for every such offence, the sum of ten shillings; to be recovered and applied in such manner and to such uses as herein after are directed.

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provide a clean publick place for sale of green hides, or calve-skins.

To be sold by weight, not by hand.

Penalty 10 s. by buyer and seller.

XII. And for preventing abuses in weighing such hides, be it further enacted by the authority aforesaid, That a sworn weigh-master be in like manner appointed and imployed by the said lord mayor and seneschals respectively to attend by himself or deputy in every such publick place so to be appointed for weighing of each and every such green hide, who shall weigh the same, and keep due entries thereof, expressing the buyers and sellers names; and shall on weighing the same give an allowance to the buyers of four pounds weight for tare on every such hide, and such further allowance for dirt and sculls, or blood, appearing on such hides as to him shall seem reasonable; and in case any disputes shall happen to arise on such allowance, or in case the said weigh-master or deputy shall refuse to give any allowance, where the same is really due, such disputes or differences shall be determined by the said lord mayor and seneschals, or their deputies respectively, where such disputes shall happen, which determination shall be final to each party, as well sellers as buyers; which said weigh-master so to be appointed shall provide scales and proper weights to weigh the same, and shall cause sheds at his own expence to be built in such places, and hooks to be placed therein, and clean floors to be made, to the intent that any damage done to such hides, or dirt thereon, may appear to publick view.

A sworn weigh-master to attend, and keep entries, allowing buyers 4 lb. weight for tare, and reasonable allowance for dirt, &c.

Disputes finally determined by lord mayor and seneschals.

Scales, weights, sheds with hooks, to be provided, and clean floors.

XIII. And be it further enacted by the authority aforesaid, That such weigh-master or deputy, before he or they entet upon such office, shall give sufficient security for the faithful discharge of his office, and take such oath *mutatis mutandis* as aforesaid, and shall be under the same pains, penalties, and forfeitures, for neglect of his duty or misbehaviour, as the said weigh-masters appointed for the weighing of butter and tallow are herein before made liable to, and which shall be recovered and applied in like manner.

Weigh-master to give security, take oath, and under like penalties as aforesaid,

XIV. And be it further enacted by the authority aforesaid, That such weigh-master or weigh-masters, keeping such publick place or places with such conveniences as aforesaid, shall be allowed and paid for each green hide, he shall so weigh, the sum of one farthing, to be paid by the seller; and in case such seller shall refuse to pay the same, it shall be lawful for such weigh-master to detain such green hide so weighed, until payment thereof shall be made to him according to the true intent of this act.

to be paid one farthing each hide, by seller.

A. D. 1721. Chap. 7.

XV. And to the intent that no fraud or abuſe ſhall be committed in making up of ſalted hides, be it further enacted by the authority aforeſaid, That from and after the ſaid twenty fifth day of March one thouſand ſeven hundred and twenty two every perſon and perſons, ſalting any hides for ſale, ſhall lay the ſame fleſh to fleſh, under penalty of forfeiting the ſum of ten ſhillings for each hide, that ſhall be otherwiſe laid, by the perſon or perſons, in whoſe cuſtody the ſame ſhall be found to be otherwiſe laid; to be recovered and applied in manner as herein after is mentioned.

Perſons ſalting hides ſhall lay them fleſh to fleſh, Penalty 10s. each.

XVI. And be it further enacted by the authority aforeſaid, That in the city of Dublin and liberties thereto adjoining, and in other cities and towns corporate, a ſworn weigh-maſter ſhall in like manner be appointed and imployed, and with like oath *mutatis mutandis* as aforeſaid, by the chief magiſtrate or ſeneſchal reſpectively in ſuch cities, towns corporate, and liberties reſpectively, for weighing all ſalted hides, who are hereby obliged and required to weigh the ſame; which weigh-maſter ſhall be under the ſame penalties and forfeitures for neglect of his duty or miſbehaviour, as the ſaid weigh-maſters appointed for the weighing of butter and tallow are herein made liable to; and which ſhall be recovered and applied in like manner; and in caſe any perſon or perſons ſhall ſell within ſuch cities and towns corporate, or liberties aforeſaid, any hides ſalted and made up for ſale, the ſame ſhall be weighed by ſuch weigh-maſter, to be appointed for that purpoſe in ſuch city and town corporate for weighing of ſuch hides, at his weigh-houſe to the perſon buying ſuch hides; which ſaid weigh-maſter, if required by the buyer, at his expence ſhall have liberty to open the ſaid hides, and ſhall and is hereby required on requeſt of the buyer ſo to do; and in caſe any dirt or wet ſhall be found on ſuch hide or hides, ſuch weigh-maſter or weigh-maſters, his or their deputy or deputies, ſhall make ſuch reaſonable allowance for ſuch dirt or wet, as to him or them ſhall ſeem reaſonable, which the ſeller ſhall be obliged to allow; and in caſe any diſpute ſhall happen to ariſe on ſuch allowance, the ſame ſhall be determined by the chief magiſtrate in each city or town corporate, and in the aforeſaid liberties by the reſpective ſeneſchals or their deputies; which determination ſhall be final and concluſive to each party as well the buyer as ſeller; which weigh-maſter ſhall have and receive for weighing ſuch hides one farthing for every hide, ſo to be weighed by him; till ſatisfaction whereof ſuch weigh-maſter may detain ſuch hide or hides as aforeſaid; and in caſe any perſon or perſons ſhall ſell or buy any hides ſalted, which ſhall not be weighed by ſuch weigh-maſter or his deputy as aforeſaid, ſuch perſon or perſons ſo offending ſhall reſpectively forfeit the ſum of ten

A ſworn weigh-maſter as aforeſaid for ſalted hides to be in all cities, &c.

If required by buyer, ſhall open hides, and allow for dirt or wet found.

Diſputes finally ſettled by chief magiſtrate.

One farthing each hide weighed.

If bought or ſold not weighed, penalty 10 s. each hide.

ten ſhillings for each hide; to be recovered and applied in manner and to the uſes as are herein after directed.

If hides or calf-skins gaſhed,

XVII. And whereas the laws already made for the preventing the gaſhing and cutting of hides and calve-ſkins are evaded, and in great meaſure rendered impracticable, in regard the penalties are laid only on ſuch perſon or perſons, who ſhall be proved to be guilty of cutting the hides, which proof is difficult to be had or obtained: be it further enacted by the authority aforeſaid, That from and after the ſaid twenty fifth day of March one thouſand ſeven hundred and twenty two in caſe any hide or hides, calf-ſkin or calf-ſkins, ſhall appear to be impaired by gaſhing, ſlaughtering, or cutting the ſame, that not only the perſon or perſons ſo offending, but likewiſe the perſon or perſons, who ſhall expoſe to ſale ſuch hide or hides, calf-ſkin or calf-ſkins, ſhall forfeit the penalties hereafter mentioned: (that is to ſay) for each hide ſo impaired, ſlaughtered, or gaſhed, a ſum not exceeding the ſum of ten ſhillings; and for each calf-ſkin, a ſum not exceeding the ſum of two ſhillings and ſix pence; which forfeitures ſhall be recovered and applied in manner, as is herein after mentioned.

Penalty on offender and ſeller 10 s. each hide, 2 s. and 6 d. each ſkin.

XVIII. And for the better carrying on the trade of this kingdom, which ſuffers much by the unfair packing up of beef and pork, wherein many abuſes and frauds are daily committed, be it further enacted by the authority aforeſaid, That from and after the ſaid twenty fifth day of March one thouſand ſeven hundred and twenty two in caſe any perſon or perſons ſhall barrel up beef with intent to export or ſell the ſame in any half barrel, which ſhall be in gage under fourteen gallons and a half, or above fifteen gallons; or in any whole barrel in gage under twenty nine gallons, or above thirty gallons; or in caſe any perſon or perſons ſhall barrel up pork with intent to export or ſell the ſame in any barrel, which ſhall contain leſs than two hundred weight neat, or in any half barrel, which ſhall contain leſs than one hundred weight neat, or in any barrel or barrels, which ſhall not be ſeverally marked with the coopers, merchants, or other perſons name, who ſhall make or ſave ſuch pork or beef; ſuch perſon or perſons ſo offending ſhall forfeit for each barrel of pork or beef ſo packed up the ſum of ten ſhillings; to be recovered in ſuch manner and to be applied to ſuch uſes as herein after are directed.

If beef barreled for ſale in a barrel in gage under 29 or above 30 gallons,

or pork in barrel leſs than 200 weight neat, or in barrels not marked with the name,

Penalty 10 s. each.

XIX. And be it further enacted by the authority aforeſaid, That if any cooper or coopers ſhall make any barrel or half barrel for packing of beef or pork other than and according to the aforeſaid gage and contents, ſuch cooper or coopers ſhall forfeit the ſum of twenty ſhillings for every barrel or half barrel, which ſhall be made contrary to the true intent and meaning of this act; to be paid to the informer, and to be recovered in the ſame manner as the other penalties by this act are recoverable.

Penalty on coopers 20 s.

XX. And

A. D. 1721. Chap. 7.

XX. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any person or persons whatsoever to seize and detain all and every person and persons, and their goods, which shall be made up, packed, or bought and sold, contrary to the intention of this act, for such reasonable time as he, she, or they may give notice to the constable or constables of the parish, where such person or persons, or his or their goods, shall be so seized; who are hereby required to carry such person or persons, and their goods, before the chief magistrate or magistrates of the city or town corporate, or before some one or more of his Majesty's justices of the peace, where such offence shall be committed, if in no city or town corporate; which said magistrates or justices of the peace are hereby authorized and strictly required, either upon the confession of the party offending, or due proof by one or more witness or witnesses upon oath (which they are hereby respectively impowered to administer) that the person so brought before him or them, hath offended contrary to the meaning of this act, by warrant under his or their hands and seals to cause such penalties, as the offenders are hereby liable to, to be forthwith levied by distress and sale of the offender or offenders goods, rendring the overplus (if any be) to the owner or owners thereof, after the deduction of the reasonable charges for taking the said distress, and out of the said distress to pay the said respective penalties and forfeitures to the informer; and in case such offender or offenders shall not have goods and chattels sufficient to answer the said penalties, such offender or offenders by warrant, to be made under the hand and seal of such magistrate or justice of the peace for that purpose, shall be publickly whipt three market days successively through some market town in the said county in or near such town or place, where the offence was committed, between the hours of eleven and twelve in the forenoon.

The person and goods may be detained till notice may be given to constable, to carry before a magistrate,

to levy penalties by distress,

to informer:

in default of distress, to be whipt.

Recital of 2 G. 1. 21. Sect. 1.

13 Ed. 1. 47. Eng.

13 R. 2. 19. Eng.

17 R. 2. 9. Eng.

11 Eliz. 4. sess. 3.

10 C. 1. 14. sess. 3.

2 G. 1. 21.

12 G. 1. 7.

11 G. 2. 14.

31 G. 2. 13.

Salmon destroyed in spawning time.

XXI. And whereas in and by an act passed in the second year of his present Majesty's reign, intituled, *An act to prevent the destruction of salmon fry, and better preserving the salmon fishing in this kingdom*; it is enacted, "That no person whatsoever shall or may "make, have, or keep any lister or spear for killing of salmon, or "make use of any light upon any fresh water river above the "flowing of the tide, nor shall make use of any nets or other engines whatsoever fit for taking salmon fry at any mill-tail, under "certain forfeitures and penalties in the said act mentioned;" notwithstanding which act the salmon fishing in this kingdom is greatly decayed, chiefly by killing the spawning fish with nets or other engines in the months of August, September, October, November, December, and January, being the time of spawning: for remedy whereof, be it enacted by the authority aforesaid, That from

from and after the twenty fifth day of March one thouſand ſeven hundred and twenty two, no perſon or perſons whatſoever ſhall or may between the firſt day of Auguſt and the firſt day of February in any year kill or take any ſalmon with nets or other engines; and if any perſon or perſons do or ſhall offend herein, and be thereof lawfully convicted by the oath of one or more credible witneſs or witneſſes before any juſtice or juſtices of the peace of the county, where ſuch offence ſhall be committed (which oath ſuch juſtice or juſtices of the peace are hereby impowered and required to adminiſter) every ſuch perſon and perſons ſhall forfeit and loſe ſuch his nets and other engines, and alſo ſuch boat or boats, with the tackle thereto belonging, as he or they ſhall make uſe of in or about the killing or taking any ſalmon contrary to this act; and ſhall likewiſe forfeit and pay the ſum of twenty ſhillings for every ſuch offence; to be levied by diſtreſs and ſale of the offenders goods by warrant under the hand and ſeal of the ſaid juſtice or juſtices of the peace; which ſaid ſeveral forfeitures and penalties ſhall go and be diſpoſed of, one moiety to the informer, and the other moiety to the poor of the pariſh where ſuch offence ſhall be committed; and in caſe a ſufficient diſtreſs cannot be had whereout to levy and raiſe the ſaid ſum of twenty ſhillings, that then the ſaid juſtice or juſtices of the peace ſhall and may by warrant under hand and ſeal commit ſuch perſon or perſons to the houſe of correction or work-houſe for any time not exceeding three kalendar months, there to remain at hard labour, and to have due correction according to law: provided always that nothing herein contained ſhall extend, or be conſtrued to extend, to prohibit the taking or killing of ſalmon in rivers, where ſuch fiſh ſhall be known to be in ſeaſon at the time of taking ſuch fiſh:

A. D. 1721. Chap. 7.

Salmon not to be killed or taken with nets or engines from 1ſt Aug. to 1ſt Feb. Penalty, before a juſtice, forfeiture of nets, engines, and boats, and 20 s. by diſtreſs, to informer and the poor: in default, to houſe of correction 3 months. Salmon may be taken in rivers where known to be in ſeaſon. Perſons ſued for executing this act may plead general iſſue, &c. and recover treble coſts. Continuance to the end of next ſeſſion. *Continued* 10 *G.* 1. 9. *to* 2 *Mar.* 1723, *but by a clauſe at the end thereof it is continued (ſo far as it relates to hides and calve-skins in Dublin and liberties, and as to beef and pork and ſalmon) during continuance of* 10 *G.* 1. 9. *further continued by ſubſequent ſtatutes* 12 *G.* 1. 5. *and* 5 *G.* 2. 6. *and* 13 *G.* 2. 12. *and by* 21 *G.* 2. 7. *(with alterations and amendments) to* 29 *Sept.* 1769.

XXII. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall be ſued, moleſted, or troubled for putting in execution any of the powers contained in this act, or for doing any matter or thing purſuant hereunto, ſuch perſon or perſons ſhall and may plead the general iſſue, not guilty, and give the ſpecial matter in evidence; and if the plaintiff or plaintiffs ſhall be nonſuited, or judgment ſhall be given againſt him or them upon demurrer, or a verdict ſhall paſs for the defendant, ſuch defendant ſhall have his, her, or their treble coſts; to be recovered in ſuch manner as where by law coſts are given to defendants.

XXIII. Provided always, That this act ſhall continue and be in force to the end of the next ſeſſions of Parliament, and no longer.

A. D. 1721.

CHAP. VIII.

An act for repealing part of an act passed in the tenth year of King William the third, intituled, An act for planting and preserving timber-trees and woods; and also for giving further encouragement to plant and preserve timber-trees and woods.

Recital of 10 *Wil.* 3. 12. Sec. 1.

WHEREAS an act made in the tenth year of his late Majesty King William the third of glorious memory, intituled, *An act for planting and preserving timber-trees and woods*, has in a great measure proved ineffectual; and several persons, who through inadvertency or want of ability have not complied with the directions in the said act for planting and preserving timber-trees and woods, may have incurred great penalties: and whereas by the said act it is among other things enacted, "That "all and every person and persons being a resident or residents "within this kingdom, or who having any estate of freehold and "inheritance therein kept or imployed under his, her, or their "stock to the value of ten pounds by the year, and every tenant "for years having eleven years of his or her term unexpir-"ed, and and paying ten pounds by the year rent, or more, "should from and after the five and twentieth day of March "in the year of our lord one thousand seven hundred and three "plant or cause to be planted at seasonable times yearly, and "every year, during the term of thirty one years, ten plants of "four years growth or more, of oak, firr, elm, ash, wall-"nut, poplar, abeal, or elder, in some ditch or elsewhere on "the said lands, and the same so planted should from time to "time preserve from destruction; and all and every person or "society having iron-works should plant or cause to be plant-"ed in ground, sufficiently and well inclosed for that purpose, "five hundred trees of the aforesaid sorts, or some of them yearly "and every year, during such time and term as he or they should "keep or have the said iron-works:" and whereas by the said act it is further enacted, "That every person and persons hold-"ing in his, her, or their occupation five hundred or more acres "of land plantation measure, other than tenants in common, "should, over and above the aforesaid ten trees, within seven "years from the twentieth day of November one thousand six "hundred ninety eight inclose with a good and sufficient fence "of stone wall, ditch, hedge, pails, or rails, one plantation acre "thereof, and therein within the term of seven years aforesaid, "plant or cause to be planted one plant at the least of the height "of one foot above the ground when planted, and of the age "and times before mentioned, for every ten foot square con-

said act ineffectual, and several penalties incurred thro' inadvertency and inability.

Sec. 2.

"tained

" tained in such acre, in such method as he, she, or they should " think fit, and the said acre so planted should from time to " time during the term of twenty years, to be accounted from " the time of planting the same, preserve and keep well and suf- " ficiently fenced and inclosed from cattle :" and whereas by the said act it is further enacted, " That all and every person and *Sec.* 3. " persons, bodies politick or corporate, who should be seized of " any lands of inheritance, or by dower, curtesie, or as credi- " tors, whether mortgagees or others, to whom an actual posses- " sion should be given by virtue of judgment or decree of any " of the Four-courts, should be and was by virtue of the said " act obliged and liable to the planting of his, her, or their pro- " portion of two hundred and sixty thousand six hundred trees, " of oak, elm, or firr, of the age and size aforementioned yearly " and every year during the term of one and thirty years, to " be accounted from the twenty fifth of March one thousand " seven hundred and three, in such manner and proportion as " therein is expressed :" and whereas by the said act it is fur- ther enacted, " That no possessor, tenant, or occupier of any *Sec.* 12. " land inclosed and planted by virtue of the said act, should for " the term of twenty years suffer sheep or cattle of any sort to " graze or trespass the land so inclosed, under the penalty of " twenty shillings for every such grazing or trespass as is afore- " said, to be levied as other penalties are therein directed, the " one moiety thereof to the use of the informer, and the other " moiety to the use of the poor of the parish, wherein the said " offence should be committed :" and whereas by the said act it is also enacted, " That the justices of the peace of that county *Sec.* 17. " at their sessions of the peace might and should from time to " time after the twentieth day of November one thousand six " hundred ninety eight have full power and authority to " execute all and every part of the said act; and the said justi- " ces as aforesaid should and might, and were thereby required, " after the twenty fifth of March one thousand seven hundred " and three at their respective quarter-sessions to hear and fi- " nally determine all controversies that should or might arise be- " tween party and party by reason of the said act, should be " heard and finally determined by the said justices : and to the *Sec.* 18. " intent that every person and persons might be punished, who " should neglect or refuse to plant such number of trees, and " the same to preserve pursuant to the intent and meaning of " the said act, which he, she, or they were obliged to :" and whereas by the said act it is also enacted, " That at every Mi- " chaelmas sessions, to be held as aforesaid after the twenty fifth " day of March one thousand seven hundred and three, all and " every the high constables and petty constables of each county within

A. D. 1721. Chap. 8.

" within this kingdom, purſuant to a precept to be directed to " the ſeveral high conſtables by the clerks of the peace of the " reſpective counties within this kingdom, which precept the ſaid " clerks of the peace were thereby required to iſſue at leaſt ten " days before ſuch ſeſſions; under the penalty of forty ſhillings " for every default; ſhould give in a return in writing upon oath " under the penalty of forty ſhillings for each and every failure " therein reſpectively of the names with the places of abode of " every perſon within their reſpective baronies or conſtablewicks; " who were thereby obliged to plant the ten trees, the five hun- " dred trees, and the acre aforementioned; together with the " names of the lands, for or by reaſon whereof every perſon was " obliged to plant the proportion annexed to his or her name; " and likewiſe the proportion of the two hundred and ſixty " thouſand ſix hundred trees to be yearly planted by each re- " repective inhabitant obliged to plant the ſame; together with " his and their name and place of abode; and that each petty " conſtable within his reſpective pariſh had given, or cauſed to be " given, notice to every ſuch perſon as is aforeſaid, of his, her, " or their being ſo returned to the ſaid ſeſſions, and that whilſt " the court ſhould be ſitting, the clerk of the peace ſhould open- " ly read all the ſaid returns, ſo as that every perſon might know " what number of trees he, ſhe, or they were obliged to plant " that year, and likewiſe that if any perſon or perſons ſhould find " him, her, or themſelves aggrieved, by being returned for lands " not enjoyed nor any ways belonging to him, her, or them; " ſuch relief therein might be ordered by the ſaid juſtices as to " them ſhould ſeem juſt and reaſonable:" and whereas by the

Sec. 19. ſaid act it is further enacted, " That at every Eaſter ſeſſions the " returns, made and allowed the preceding Michaelmas ſeſſions; " ſhould again be openly read and called over in court, and that " all and every perſon, who upon the ſecond call of his or her " name ſhould not by his or her oath, or by certificate of ſome " one of the juſtices of its having appeared to him by the oath " of that of in the pariſh of " had that year planted, or cauſed to be planted trees " purſuant to the ſaid act (which ſaid certificate every juſtice was " required to give *gratis*) upon the oath of the party or of one " credible witneſs make appear that he, ſhe, or they had planted " in that year the number of trees to which he, ſhe, or they " were obliged by virtue of the ſaid act, ſhould be deemed " and adjudged not to have have planted the ſame, and ſhould " for each ten trees, which ſuch perſon or perſons had ſo neglect- " ed to plant, forfeit the ſum of ten ſhillings; for each five hun- " dred trees as is aforeſaid the ſum of five pounds; and for each

" acre not incloſed and planted the ſum of five pounds; the ſaid " reſpective fines to be impoſed each Eaſter ſeſſions yearly and " every year, until ſuch perſon or perſons having ſo made de- " fault ſhould make proof of his or her having planted his or " her proportion of trees, and preſerved the ſame purſuant to the " true intent and meaning of the ſaid act;" be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid ſeveral clauſes in the ſaid act herein before recited be henceforth repealed, and made null and void; and that all his Majeſty's ſubjects be and are hereby diſcharged, releaſed, and forgiven all the fines, forfeitures, penalties, other than ſuch as have been already paid, and all puniſhments that may be inflicted, incurred, or ſuffered, for or by reaſon of the ſaid clauſes in the ſaid act, or any of them, or of any article, matter, or thing in the ſaid clauſes, or any of them contained.

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Repeal of all the ſaid clauſes, and diſcharge of all penalties therein, ſave thoſe paid,

II. And for the better encouragement of plantations; be it enacted by the authority aforeſaid, That where any tenant or tenants for life or lives, or years, of any lands in this kingdom of Ireland ſhall during his, her, or their term, plant in or upon the ſame any trees of oak, aſh, beech, firr, wallnut, alder, elm, poplar, abeal, or birch, and ſhall preſerve the ſame, ſuch tenant or tenants, and his, her, or their executors, adminiſtrators, or aſſigns reſpectively, ſhall at the expiration of ſuch term or eſtate be intituled to, and ſhall have liberty, and is and are hereby authorized and impowered to fell and carry away for his and their uſe and benefit one third part of the ſeveral kinds of ſuch trees, ſo by him, her, or them planted, and which ſhall at that time be ſtanding and preſerved on the lands ſo held in leaſe as aforeſaid.

to encourage plantations.

Tenants for life or years, their executors, &c. may at end of their term, fell and take away one third of trees of oak, &c. planted by them.

1 G. 2. 18. by 5 G. 2. 9. a moiety. 9 G. 2. 7.

III. And whereas ſeveral ſapplins have been deſtroyed by making bows and back-bands for carts: be it enacted by the authority aforeſaid, That from and after the firſt day of January one thouſand ſeven hundred and twenty one no perſon or perſons ſhall preſume to make uſe of any part of any ſapplin or tree as or for a bow for a cart, or any ſapplin, gad, or any piece of ſtick or wood for or as a back-band for a cart, or ſcollops of oak or aſh for thatching of houſes, or ſhall preſume to make uſe of any oak-ſapplin or ſapplins for walking ſticks, handles of whipps, or ſwitches, under the penalty of forfeiting five ſhillings, to be recovered from and paid by ſuch offender, being convicted of any of the ſaid offences, by any of his Majeſty's juſtices of the peace, or the chief magiſtrate or magiſtrates of any city or town corporate, upon the oath of one or more credible witneſs or witneſſes;

No ſapplin, &c. ſhall be uſed for a bow or backband for a cart, walking ſticks, &c. nor ſcollops of oak or aſh for thatching.

Penalty 5 s.

A. D. 1721.

one moiety thereof to the informer, the other moiety to the uſe of the poor of the pariſh, where ſuch conviction ſhall be; and in default of payment of the ſaid forfeiture, ſuch offender ſhall be publickly whipt in ſome market-town by order of ſuch juſtice of the peace, or chief magiſtrate or magiſtrates, by warrant for that purpoſe to be made under his or their hands and ſeals reſpectively; and all magiſtrates of all cities, towns corporate, and market-towns, and all juſtices of the peace in their reſpective counties, are hereby required to put this and all clauſes in any former law prohibiting the uſe of withs and gads in execution.

to the poor and informer, or to be whipt.

This and all laws againſt uſe of withs and gads to be put in execution.

10 *Wil.* 3. 12.
4 *Anne* 9.
9 *Anne* 5.
2 *G.* 1. 16.
21 *G.* 2. 13.

CHAP. IX.

An act for amending an act, intituled, An act for the better and more effectual apprehending and tranſporting felons and others; and for continuing and amending ſeveral laws made in this kingdom for ſuppreſſing tories, robbers, and rapparees; *and alſo to prevent the liſting of his Majeſty's ſubjects to ſerve as ſoldiers in foreign ſervice without his Majeſty's licence.*

7 *Wil.* 3. 21.
9 *Wil.* 3. 9.
2 *Anne* 12.
4 *G.* 1. 9.
6 *G.* 1. 12.
12 *G.* 1. 8.
3 *G.* 2. 4.
9 *G.* 2. 6.
29 *G.* 2. 8.

WHEREAS the laws in being have not proved effectual for the ſuppreſſing of robberies, burglaries, and other felonies; and for the tranſporting of felons and vagabonds, and ſome of the ſaid laws want to be amended: and whereas ſome felons and vagabonds, who have been ordered to be tranſported, have already, and others may hereafter, come on ſhoar, and return to this kingdom of Ireland before or after they have been actually tranſported to America, or may break goal, or eſcape before ſuch tranſportation: be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any felon or felons, vagabond or vagabonds, who have been or ſhall be ordered to be tranſported purſuant to any of the ſtatutes now in force in this kingdom, ſhall afterwards break goal, or eſcape, or be at large within any part of this kingdom of Ireland, without ſome lawful cauſe before the expiration of the term, for which ſuch felon or felons, vagabond or vagabonds, was, were, or ſhall be ordered to be tranſported, all and every ſuch perſon and perſons, being thereof lawfully convicted, ſhall ſuffer death as in caſes of felony without benefit of clergy, or of the ſtatute made in the ninth year of the reign of her late Majeſty Queen Anne, intituled, *An act for taking away the benefit of clergy in certain caſes, and for taking away the book in all caſes, and for repealing part of the ſtatute for tranſporting felons.*

If felons, &c. ordered to be tranſported break gaol, eſcape, or be at large, without lawful cauſe, before expiration of the Time, felony without benefit of clergy, or of 9 *Anne* 6.
12 *G.* 1. 8.
21 *G.* 2. 12.

II. And

II. And that ſuch conviction may be with as little trouble and expence as poſſible, be it further enacted by the authority aforeſaid, that ſuch offender or offenders ſhall and may be tryed for the ſaid offence in any county of this kingdom; and that the clerk of the crown and clerk of the peace, where ſuch orders of tranſportation ſhall be made, and their ſucceſſors for the time being, ſhall at the requeſt of the proſecutor, or any other in his Majeſty's behalf, certifie a brief abſtract containing the effect and tenor of every indictment and conviction of ſuch man or woman, and of the order for his or her tranſportation, to his Majeſty's juſtices of the King's bench, or the juſtices of aſſize, oyer and and terminer, or goal delivery, or the juſtices of the peace at their quarter-ſeſſions to be held for the county of Dublin, and county of the city of Dublin, where ſuch man or woman ſhall be indicted or preſented, not taking for the ſame above the ſum of two ſhillings and ſix pence; which certificate, being produced in court, ſhall be a ſufficient proof, that ſuch perſon or perſons have been before convicted as a felon, or preſented as a vagabond reſpectively, and ordered to be tranſported.

may be tried in any county,

Certificate of conviction and order for tranſportation, ſhall be made by clerk of crown or peace at requeſt of proſecutor, &c.

which ſufficient proof.

III. And whereas frequent robberies have been lately committed in the ſtreets of the city of Dublin, and other counties of cities and counties of towns, and other counties of this kingdom, and doubts have ariſen whether the perſons concerned in apprehending, proſecuting, and convicting the offenders, were intitled to any reward: be it further enacted by the authority aforeſaid, That where any murder or robbery ſhall be committed in the ſaid ſtreets of the city of Dublin, or in other counties of cities or counties of towns, or the liberties thereunto belonging or adjoining, or in the highway of any county of this kingdom, a reward not exceeding the ſum of twenty pounds ſhall be given to ſuch perſon or perſons, as ſhall apprehend or take ſuch murderer or robber; ſo as he or ſhe ſhall be convicted thereof; the ſame to be raiſed by preſentment of the grand juries of ſuch counties of cities and counties of towns, or county at large, where ſuch facts ſhall be hereafter committed; and the money ſo to be raiſed to be applotted and levied in ſuch manner as other publick money is raiſed, applotted, and levied within ſuch county of a city and county of a town, or county at large, and to be diſtributed between the perſons claiming ſuch reward in ſuch ſhares and proportions as to the judges or juſtices, before whom ſuch murderer or murderers, robber or robbers, ſhall be convicted for ſuch murder or robbery, ſhall ſeem reaſonable, and be certified under their hands.

20 *l.* reward for taking and convicting murderer or robberin ſtreets or highways,

by preſentment,

levied as publick money,

diſtributed, as by certificate of the judge.

IV. And whereas the practice of taking money to help perſons to their ſtolen goods, and ſharing it with the felons, is ſtill continued

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continued in defiance of the laws, and to the encouragement of felons: be it further enacted by the authority aforesaid, That whosoever shall prosecute to conviction any person or persons for the said offence of taking money or other reward directly or indirectly to help any person or persons to their stolen goods (such offender not having apprehended the felon, who stole the same, and brought him or her to trial for the same, and given evidence against him or her as required by law) shall be intituled to a reward of five pounds for every such offender so convicted as aforesaid; which sum shall be raised and levied in like manner as the reward, which any person or persons may be intituled to for the apprehending any murderer or robber in any county of a city, or any county of a town.

5*l.* for conviction of persons taking reward for helping others to stolen goods without apprehending and giving evidence against the felon. 6 *G.* 1. 12.

V. And be it further enacted by the authority aforesaid, That in case any person or persons shall happen to be killed in the pursuit or apprehending any of the offenders aforesaid, that then the executors or administrators of such person or persons so killed, or the person or persons, to whom the right of administration of the personal estate of such person or persons so killed shall belong, shall be intituled to the sum of twenty pounds, to be raised by presentment of the grand juries of such counties of cities and counties of towns, or county at large, where the said fact was done and committed.

20*l.* to the representatives of persons killed in apprehending. 8 *Anne* 8.

VI. And that none of the offenders aforesaid may be concealed or harboured by any person whatsoever, be it further enacted by the authority aforesaid, That whosoever shall after the first day of February in the year of our Lord one thousand seven hundred and twenty one receive, harbour, or conceal any robbers or felons ordered, or to be ordered to be transported, and who after such order for transportation shall have broke goal or escaped, or been at large in this kingdom, or shall break goal, escape, or be at large in this kingdom, without some lawful cause before the expiration of the term, for which such robbers or felons have been or shall be ordered to be transported, knowing them to be such, and shall be thereof legally convicted, such offender shall suffer and incur the pain of death as a felon convicted without benefit of clergy, or of the said statute of the ninth year of the reign of the late Queen Anne.

Harbouring felons who after order for transportation break gaol, &c. felony without benefit of clergy, or of 9 *Anne* 6.

VII. And whereas of late several persons, who have committed murders, robberies, and burglaries in divers parts of that part of Great-Britain called England, have come into this kingdom to shelter themselves from justice; and, though they have been apprehended here, could not be sent over into England, by reason several masters of ships trading to England have refused to receive such offenders on board their respective ships, or to give security

Offenders in England apprehended in Ireland.

curity for the ſafe keeping and delivery of ſuch offenders to the high ſheriff, under ſheriff, juſtice of peace, chief magiſtrate, or conſtable of the county, port, harbour, or place in England, whither they were bound, though ſuch high ſheriff, under ſheriff, juſtice of the peace, chief magiſtrate, or conſtable have had proper warrants and authority from the chief juſtice, or other juſtice of his Majeſty's court of King's bench in England, to apprehend and receive ſuch offenders; by means whereof ſeveral great and notorious offenders have eſcaped puniſhment: be it further enacted by the authority aforeſaid, That where any perſon now is or hereafter ſhall be apprehended in any part of this kingdom, againſt whom any warrant in writing under the hand and ſeal of the chief juſtice, or other juſtice of his Majeſty's ſaid court of King's bench, in that part of Great-Britain called England, for the apprehending ſuch perſon for any robbery, or any other capital crime committed in England, ſhall have iſſued, it ſhall and may be lawful to and for the chief governor or governors of this kingdom for the time being by writing under his or their reſpective hands, to ſtop and detain any ſhip or veſſel belonging to any merchant or trader reſiding or inhabiting in this kingdom, lying in the port or harbour of Dublin, and bound for any port or place in England, until the maſter or perſon taking charge of ſuch ſhip or veſſel ſhall take ſuch offender or offenders on board his ſaid ſhip or veſſel, and ſhall enter into a bond to his Majeſty before the collector of the port of Dublin of the penalty of two hundred pounds, conditioned for the ſafe cuſtody, conveying, and delivery of ſuch offender and offenders (the danger of the ſeas and of enemies excepted) into the hands of the high ſheriff, under ſheriff, juſtice of the peace, chief magiſtrate, or conſtable of the county, port, harbour, or place, whither ſuch ſhip or veſſel ſhall be bound or firſt arrive in England.

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Chief governors may ſtop any Iriſh veſſel, in Dublin harbour and bound to England, till the maſter takes on board offenders againſt whom warrant of B. R. in England,

and give bond 200 *l.* penalty ſafely to deliver, *&c.* to a magiſtrate where he firſt arrives,

VIII. Provided always, That no ſhip or veſſel ſhall be ſtopped or detained in the ſaid port or harbour of Dublin, nor the maſter or perſon taking charge thereof hindred from proceeding on his voyage, by virtue of this act, unleſs a ſum not leſs than forty ſhillings, nor exceeding five pounds, be tendered and paid to ſuch maſter, as a reward for carrying and tranſporting each ſuch offender into England, and unleſs a warrant under the hand and ſeal of the chief juſtice, or other juſtice of his Majeſty's court of King's bench in England, for the apprehending ſuch offender or offenders be delivered into the hands of ſuch maſter or perſon taking charge of ſuch ſhip or veſſel together with ſuch offender or offenders.

not leſs than 40 *s.* nor above 5 *l.* ſhall be paid for carrying each offender, and ſaid warrant of B. R. delivered to him,

IX. Provided alſo, that no maſter of any ſuch ſhip or veſſel ſhall be obliged or compelled to take on board his ſhip or veſſel more

not obliged to take more than two.

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more than two of ſuch offenders at any one time; any thing herein contained to the contrary thereof in any wiſe notwithſtanding.

Bond to be delivered up on certificate and affidavit of delivering ſuch offender with ſaid warrant to magiſtrate in England.

X. And be it further enacted by the authority aforeſaid, That the collector of the ſaid port of Dublin for the time being ſhall and he is hereby required to deliver up ſuch bond and bonds to the maſter of ſuch ſhip or veſſel, or perſon taking charge thereof, his executors or adminiſtrators, or to any other perſon, who ſhall produce and deliver unto the collector of the ſaid port of Dublin for the time being a writing under the hand of the high ſheriff, under ſheriff, juſtice of peace, chief magiſtrate, or conſtable, to whom ſuch offender or offenders ſhall be delivered in England, with an affidavit at the foot of ſuch writing of one or more credible witneſſes, taken before one or more juſtices of the peace of the county, city, town, or place, where ſuch offender or offenders ſhall be delivered in England, or before the chief juſtice or other juſtice of his Majeſty's court of chief pleas in Ireland, certifying, that the offender and offenders mentioned in the condition of ſuch bond or bonds, together with the warrant of the chief juſtice or other juſtice of the ſaid court of King's bench in England, for the apprehending of ſuch offender and offenders, were duly delivered into the hands of ſuch high ſheriff, under ſheriff, juſtice of the peace, chief magiſtrate, or conſtable, or one of them; any thing herein before contained to the contrary thereof in any wiſe notwithſtanding.

9 *G.* 2. 30. *Eng.*

Subjects inliſting or prevailing on others to inliſt in foreign ſervice, felony without benefit of clergy, or of 9 *Anne* 6. 11 *G.* 2. 7. 25 *G.* 2. 12.

XI. And whereas great numbers of his Majeſty's ſubjects of this kingdom have of late years inliſted themſelves as ſoldiers in the ſervice of foreign princes and ſtates contrary to law, be it further enacted by the authority aforeſaid, That if any ſubject of his Majeſty, his heirs or ſucceſſors, from and after the firſt day of March in this preſent year of our Lord one thouſand ſeven hundred and twenty one ſhall within this kingdom liſt or enter himſelf, or if any perſon or perſons whatſoever ſhall inliſt, or ſhall procure or prevail on any perſon, being a ſubject of his Majeſty, his heirs and ſucceſſors, to liſt and enter himſelf, or to go beyond the ſeas, or embark with intent and in order to be liſted to ſerve any foreign prince, ſtate, or potentate, or perſon whatſoever, as a ſoldier, without leave or licence of his Majeſty, his heirs or ſucceſſors, under the ſign manual of his Majeſty, his heirs or ſucceſſors, or of the chief governor or governors of this kingdom for the time being, under his or their hands firſt had or obtained for liſting any of the ſubjects of his Majeſty, his heirs or ſucceſſors, to ſerve any ſuch foreign prince, ſtate, or potentate, or perſon, as ſoldiers; every ſuch perſon or perſons ſo offending, being thereof lawfully convicted, ſhall be taken, deemed, and adjudged to be guilty of felony without benefit of clergy, or

of

of the ſaid ſtatute made in the ninth year of her late Majeſty Queen Anne, and ſhall ſuffer and forfeit as in caſes of felony. A. D. 1721.

And alſo harbouring, &c. ſuch offenders knowingly.

XII. And be it enacted by the authority aforeſaid, That all and every perſon or perſons, who ſhall harbour, relieve, conceal, or entertain any ſuch offender or offenders, knowing him or them to be guilty of ſuch offence, ſhall be taken, deemed, and adjudged to be guilty of felony without benefit of clergy, or of the ſaid ſtatute made in the ninth year of her ſaid late Majeſty, and ſhall ſuffer and forfeit as in caſes of felony.

Continuance 5 years, &c. *and by ſeveral acts with alterations, and by* 29 *G.* 2. 8. *continued* 21 *years*, &c.

XIII. Provided always, That this act ſhall be and continue in force for the ſpace of five years, and to the end of the next ſeſſions of Parliament after the ſaid five years, and no longer.

CHAP. X.

An Act for continuing and amending an act, intituled, *An act for the better regulating the pariſh-watches, and amending the the high ways in this kingdom; and for preventing the miſapplication of publick money.*

WHEREAS the keeping a ſtrong and regular watch in the night-time in the ſeveral cities, burroughs, towns corporate, pariſhes, and other places in the ſeveral counties of this kingdom, is of great importance for the preſervation of the perſons and properties of the inhabitants within the ſame; and will be a moſt likely means to prevent murders, burglaries, robberies, felonies, and other outragious miſdemeanors, which are committed in the night-time within the ſaid cities, burroughs, towns corporate, pariſhes, and other places more frequently than heretofore: and whereas an act made for prevention of ſuch diſorders, and paſſed in this Parliament in the fifth year of his Majeſty's reign, intituled, *An act for the better regulating of pariſh-watches, and amending the high ways in this kingdom; and for preventing the miſapplication of publick money*, hath been found to be of good advantage to this kingdom, but the ſame is near expiring: be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid act, and all and every clauſe, article, and proviſoe therein contained, ſo far as the ſame relates to any county, counties of cities, burroughs, towns corporate, pariſhes, and other places in the ſeveral counties in this kingdom (other than what relates to and may concern the pariſh-watches of the city of

6 *G.* 1. 16. (ſave as to pariſh watches of Dublin) continued two years, &c. *and made perpetual* 10 *G.* 1. 3.

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of Dublin, and liberties of the ſaid city) ſhall continue and be in full force for the ſpace of two years from the twenty fifth day of March, which will be in the year of our Lord one thouſand ſeven hundred and twenty two, and from thence to the end of the then next ſeſſion of Parliament.

II. And whereas by virtue of the ſaid former law the ſeveral houſe-keepers of the city of Dublin, being perſons able and fit to watch, or to find an able and fit perſon to watch for him, her, or them, or in his, her, or their ſtead, ought by reaſon of their habitation, occupation, or dwelling in the ſaid city, to keep watch within the ſame for the preſervation of his Majeſty's peace; nevertheleſs the watches have been much neglected by reaſon of many perſons refuſing to watch, when thereunto required, and inſtead thereof the watches have been kept within the ſeveral pariſhes of the ſaid city by perſons hired by the conſtables, or their deputies, and under their management only, and under colour thereof the ſaid conſtables have collected from ſome of the inhabitants within the ſaid ſeveral pariſhes greater ſums of money, than by law were due, and yet nevertheleſs the ſaid conſtables do not keep ſuch ſufficient watches as are neceſſary: for remedy of the aforeſaid inconveniences, and to the end a regular and ſtrong watch may be kept in the night-time for the future within the ſaid city of Dublin, and liberties thereof, be it further enacted by the authority aforeſaid, That on the third Sunday in February in every year notice ſhall be given in each pariſh-church of the ſaid city and liberties, that on ſome certain day in the following week a veſtry or meeting of the pariſhioners will be held in order to ſettle the watch of that pariſh; at which day of meeting the pariſhioners, or the major part of them, ſo aſſembled, ſhall nominate fifteen of the pariſhioners of good ſubſtance, who, or any ſeven of them, ſhall within fourteen days after their being ſo choſen by writing under their hands aſcertain the number of watch-houſes, conſtables, and watch-men, fit and proper to be kept in ſuch pariſh reſpectively, from the twenty fifth day of March then next enſuing for and until the twenty fifth day of March in the year following, and at what places and ſtands it is fit for the ſaid watch-houſes, conſtables, and watch-men, to be placed, and how often it is fit for them to go the rounds, how the watchmen ſhall be armed, and what wages or ſalaries are reaſonable to be allowed each watch-man for their attendance, and ſuch further regulations and rules, as to them ſhall ſeem reaſonable; and ſhall alſo nominate and appoint for watchmen ſuch perſons, who ſhall in their judgment not only be honeſt men and proteſtants, but able of body, and fit to be entruſted to do the ſaid ſervice; which perſons ſo nominated ſhall be the watch-men of the ſaid pariſh; and in caſe any of the ſaid watch-men ſo nominated and appointed ſhall dye or be removed, or quit ſuch ſervice, the ſaid fifteen perſons, or any ſeven of them, ſo nominated by the pariſhioners as aforeſaid, ſhall name another watch-man or other watchmen in the ſtead or place of him or them ſo dying, or being removed, or quitting ſuch ſervice; and in caſe any of the ſaid fifteen perſons, ſo nominated by the pariſhioners as aforeſaid, ſhall dye, or remove out of the ſaid pariſh, the pariſhioners ſhall at a veſtry or meeting of the pariſhioners, to be appointed for that purpoſe, name one or more of the pariſhioners of good ſubſtance in the room or place of ſuch perſon or perſons ſo dying or leaving the ſaid pariſh, to the intent that the number of fifteen of the ſaid pariſhioners ſhall be always ready to make ſuch elections and regulations in manner as herein before is appointed; which rules and regulations ſo to be made as aforeſaid, ſhall be the rules, orders, and regulations to be obſerved by the ſeveral conſtables and watch-men, and ſhall be printed together with the names of ſuch watch-men, and publickly poſted up in each watch-houſe, and on the door thereof.

III And

III. And be it further enacted by the authority aforeſaid, That the ſaid watchmen in the night-time ſhall be under the controul and inſpection of the alderman of the ward, deputy-alderman, and conſtables of the reſpective pariſhes; which ſaid conſtables are hereby required to ſet and place their watch at ten of the clock in the night exactly, and to continue their watch until ſix in the morning from Michaelmas day until Lady-day, and from Lady-day until Michaelmas day, in every year at eleven a clock, and to continue their watch till five in the morning.

IV. And to the intent that good and ſufficient houſe-keepers may from time to time be appointed conſtables, and ſuch perſons when choſen may be obliged to act and do their duty, be it further enacted by the authority aforeſaid, That the church-wardens and pariſhioners of each pariſh ſhall and are hereby required to aſſemble every Tueſday in Eaſter week in the church or veſtry-room of ſuch pariſh, and then and there the ſaid church-wardens and pariſhioners, or the major part of them, ſo aſſembled, ſhall chuſe a ſufficient number of fit and able perſons, who ſhall be houſe-keepers in the pariſhes where choſen, to be conſtables for one year; who when choſen ſhall be preſented to the lord mayor of the city of Dublin for his approbation, who is hereby required to ſwear ſuch perſon or perſons, named as aforeſaid, into their office as conſtables at the uſual time of ſwearing, in caſe he ſhall ſee no ſufficient reaſon to diſapprove them; and in caſe any perſon or perſons, who ſhall be named or choſen in manner as aforeſaid to be conſtables, ſhall be diſapproved of, then upon notice given to the church-wardens the ſaid church-wardens ſhall forthwith upon ſuch notice aſſemble the pariſhioners, and return another perſon for the ſaid office in the ſtead or place of him ſo refuſing to the ſaid lord mayor, and ſo *toties quoties* till a fit perſon ſhall be approved of; and in caſe any of the ſaid conſtables ſo approved of ſhall before he or they ſhall be ſworn into ſuch office, or after they have been ſworn and taken ſuch office upon them, dye or quit ſuch pariſh, or be otherwiſe rendered incapable of ſerving, then and in ſuch caſes the ſaid church-wardens ſhall forthwith aſſemble the pariſhioners of the ſaid pariſh, who, or the major part of them, ſo aſſembled, ſhall return another perſon for the ſaid office, in the ſtead or place of him or them ſo dying, or that ſhall quit ſuch pariſh, or be otherwiſe rendered incapable to ſerve, to the ſaid lord mayor for the time being, and ſo *toties quoties* till a fit perſon be approved of; who after ſuch approbation ſhall be ſworn into the ſaid office by the lord mayor for the time being, as is uſual: and in caſe any perſon ſo approved of ſhall refuſe to act in the ſaid office by himſelf, or find a ſufficient deputy for one year enſuing his election, ſuch perſon or perſons ſo refuſing ſhall forfeit the ſum of five pounds, to be levied by warrant of diſtreſs under the hand and ſeal of the lord mayor, or of any juſtice of the peace of the ſaid city, and ſale of the goods of the perſons ſo refuſing; which forfeiture when levied ſhall go to and be applied for the finding a deputy, to be choſen by the major part of ſuch pariſhioners aſſembled for that purpoſe, and to be approved of by the lord mayor for the time being.

V. Provided always, That no perſon or perſons keeping publick inns, alehouſes, or houſes of entertainment, or papiſts, ſhall be qualified to act in their perſons as conſtables: but in caſe any ſuch ſhall be choſen in their turn to ſerve as conſtables as aforeſaid, ſuch perſon or perſons ſo choſen ſhall find ſome fit perſon or perſons to ſerve in his or their room, to be approved of by the lord mayor, or pay as a fine a ſum not exceeding the ſum of five pounds reſpectively, to be aſcertained by the lord mayor for the time being, to enable the pariſhioners, or the major part of them aſſembled for that purpoſe, to find a fit perſon in the ſtead of each of them, who ſhall be ſo choſen to ſerve as conſtables; ſuch ſums to be levied and recovered by diſtreſs and ſale of the offenders goods in manner as aforeſaid: provided alſo, that no perſon or perſons ſhall be obliged to

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ſame, or ſhe, who are of the degree of an eſquire, or above, or ſuch who ar aldermen, deputy-aldermen, or have ſerved as one of the ſheriffs of the ſaid city, or paid a fine for not ſerving in the ſaid office of ſheriff.

VI. And to the intent that a ſufficient ſupport and maintenance may be had for the watch men, and likewiſe that watch-coats, ſhaves, lanthorns, and neceſſary fire and candle for the aforeſaid purpoſe of watching, may be provided for every and each of them; be it further enacted by the authority aforeſaid, That all and every the houſes within the ſaid city of Dublin, and liberties thereof, ſhall pay and are hereby charged with the ſum of ſix pence for every pound of the yearly value of every ſuch houſe or houſes, as the valuations are returned for the collection of miniſters money; and, where there is no ſuch valuation to the miniſter, the ſaid houſes ſhall pay ſix pence in the pound according to the rent payable by the tenants in poſſeſſion; which ſaid ſix pence *per* pound ſhall from and after the ſaid twenty fifth day of March one thouſand ſeven hundred and twenty two be a charge on the inhabitants of every ſuch houſe or houſes, and ſhall be levied, raiſed, and accounted for by the church-wardens of the reſpective pariſhes and places *extra-parochial* by the church-wardens of the adjoining pariſh, at ſuch time, in ſuch manner, with ſuch powers, and under ſuch penalties, as the miniſters money in the ſaid city is levied, by a ſtatute made in this kingdom in the ſeventeenth and eighteenth years of the reign of King Charles the ſecond, intituled, *An act for proviſion of miniſters in cities, corporate towns, and making the church of Saint Andrews in the ſuburbs of the city of Dublin preſentative for ever*: and ſhall be by them reſpectively paid and applied to the ſeveral uſes the ſame is payable by virtue of this act; which charge of ſix pence in the pound on the ſeveral houſes in the ſaid city and liberties aforeſaid ſhall and is hereby declared to be a diſcharge to the ſeveral houſe-keepers of the ſaid city from watching in perſon, or ſending an able perſon to watch in his, her, or their ſtead; any law, cuſtom, or uſage, to the contrary notwithſtanding.

17 & 18 C. 2. 7.

VII. Provided always, That in caſe any of the ſaid houſes within the ſaid city of Dublin, and liberties thereof, which have heretofore been valued purſuant to the aforeſaid ſtatute made in the ſeventeenth and eighteenth years of the reign of King Charles the ſecond, ſhall really and *bona fide*, without fine or other conſideration, ſave the rent reſerved, be ſet or let at a leſs rent, than ſuch houſe or houſes are reſpectively valued at by the valuation returned for the collection of miniſters money, then and in ſuch caſe ſuch houſe or houſes ſhall be only chargeable with the payment of ſix pence in the pound according to the rent payable by the tenants in poſſeſſion, and not according to the valuation ſo returned as aforeſaid; any thing herein contained to the contrary notwithſtanding.

VIII. And to the intent that the rent payable by the tenant or tenants in poſſeſſion in ſuch houſe or houſes may be truly known; be it further enacted by the authority aforeſaid, That ſuch tenant in poſſeſſion claiming the benefit of ſuch allowance ſhall, before the ſame be ſo allowed make affidavit before the lord mayor, or ſome other of the juſtices of the peace of the ſaid city, of the rent he really and *bona fide* pays, and whether any fine or other conſideration was paid or given upon obtaining of ſuch leaſe.

IX. Provided, That nothing in this act containedſh all extend, or be conſtrued to extend, to charge waſte-houſes, whilſt they are ſo waſte or untenanted, or to charge any houſes within the reſpective liberties of Saint Sepulcher's, Thomas-court, and Donore; but that the ſeveral watches within the ſaid liberties ſhall be conſtantly kept by the reſpective inhabitants and inmates in their turns according to the cuſtom and uſage in the ſaid liberties; any thing herein, or in any other law, contained to the contrary notwithſtanding.

X. And

X. And be it further enacted by the authority aforeſaid, That the church-wardens of the ſaid ſeveral and reſpective pariſhes ſhall at the end of every ſix months lay before the chief governor or governors of this kingdom, and the privy council thereof, a true and perfect account of the annual produce of the ſaid reſpective ſums of money charged as aforeſaid, as alſo how the ſame hath been applied; which account ſhall be made on oath of the church-warden or church-wardens, if thereunto required; and in caſe ſuch perſon or perſons ſhall forſwear himſelf, and be thereof lawfully convicted, he ſhall incur the ſame penalties, as a perſon convicted of wilful perjury at common law.

XI. And be it further enacted by the authority aforeſaid, That if any watch-man ſhall quit his ſtation allotted to him, or ſhall in any other reſpect abſent himſelf from his duty, or fail therein contrary to the ſaid rules, without ſome reaſonable cauſe for ſo doing, to be allowed of by the lord mayor for the time being, or ſome other juſtice of the peace of the ſaid city, to whom complaint ſhall be made, or ſhall go into any ale-houſe or cellar to drink, or be found drunk on the watch, ſuch watch-man or watch-men reſpectively ſhall upon due proof thereof, to be made before ſuch lord mayor juſtice of the peace or by the oath of one or more credible witneſs or witeſſes, which oath the ſaid lord mayor or juſtices are hereby impowered to adminiſter, for each offence forfeit the ſum of five ſhillings, to be deducted out of his or their ſalary or wages; which ſum ſhall go to ſuch perſon or perſons, who ſhall inform, or otherwiſe ſuch offender ſhall be publickly whipt at the diſcretion of the lord mayor, or any other juſtice of the peace, to whom complaint ſhall be made as aforeſaid, who ſhall make a warrant under his hand and ſeal for that purpoſe; and in caſe any conſtable or conſtables ſhall neglect or fail in his or their duty contrary to ſuch rules without ſome reaſonable cauſe for ſo doing, to be allowed of by the lord mayor, or ſome other juſtice of the peace, to whom complaint ſhall be made, ſuch conſtable or conſtables ſhall reſpectively forfeit the ſum of twenty ſhillings, to be levied by diſtreſs and ſale of the goods of the conſtable or conſtables ſo offending by warrant under the hand and ſeal of the ſaid lord mayor, or any other juſtice of the peace of the ſaid city, to whom complaint ſhall be made as aforeſaid; which ſum when levied ſhall be paid to the informer.

XII. Provided always, and it is hereby further enacted by the authority aforeſaid, in caſe it ſhall be found neceſſary, that more watch-houſes ſhould be erected in any pariſh, than are at preſent eſtabliſhed, the grand jury for the county of the city of Dublin ſhall at their quarter-ſeſſions raiſe ſuch ſum or ſums of money for erecting ſuch watch-houſe or watch-houſes, as by them ſhall be thought reaſonable; to be raiſed and levied upon the pariſhioners of the reſpective pariſhes, where ſuch watch-houſe or watch-houſes ſhall be ſo erected; any thing in this act to the contrary notwithſtanding.

XIII. Provided always, That the church-wardens of each pariſh within the ſaid city of Dublin ſhall be diſcharged during the time of their continuance in ſuch their office, from payment of the ſaid ſum of ſix pence in the pound charged on their reſpective houſes, in which they dwell, by this act; any thing herein contained to the contrary notwithſtanding.

XIV. Provided alſo, That no perſon ſhall be obliged to ſerve as conſtable by virtue of this act in the ſame pariſh, wherein he hath formerly ſerved as conſtable; any thing herein before contained to the contrary notwithſtanding.

XV. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall be ſued, moleſted, or troubled, for putting in execution any of the powers contained in this act, or for doing any matter or thing purſuant hereunto, ſuch perſon or perſons ſhall and may plead the general iſſue not guilty, and give the ſpecial matter in evidence; and if the plaintiff or plaintiffs ſhall be nonſuited, or judgment ſhall be given againſt him, her, or them, upon a demurer,

or

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Continuance 2 years, &c.

Expired as to such parts of this act.

or a verdict ſhall paſs for the defendant or defendants, ſuch defendant or defendants ſhall have treble coſts; to be recovered in ſuch manner as where by law coſts are given to defendants.

XVI. Provided always, That this act ſhall continue and be in force from the firſt day of February one thouſand ſeven hundred and twenty one, for two years, and to the end of the next ſeſſion of Parliament after the ſaid two years, and no longer.

CHAP. XI.

An Act for the ſupplying a defect in an act paſſed in the ſecond year of the reign of her late Majeſty Queen Anne, intituled, *An act for the exchange of glebes belonging to churches in this kingdom.*

2 *Anne* 10. *Sec.* 1.

WHEREAS by an act paſſed in the ſecond year of the reign of her late Majeſty Queen Anne, intituled, *An act for the exchange of glebes belonging to churches in this kingdom:* it is provided, "That rectors, and vicars, and other perſons having cure of ſouls, may by ſuch proper deeds, as are thereby directed, exchange ſuch glebes, as lye at a diſtance from their pariſh-churches, for lands of equal value lying near and convenient to the ſaid churches:" which act does not extend to enable archbiſhops, biſhops, deans, archdeacons, dignitaries, or prebendaries of cathedral churches, to exchange their glebes or menſal lands, that lye inconveniently, for other lands of equal value and purchaſe lying near and convenient to ſuch cathedral churches: and whereas the demeſne or menſal lands of ſome of the archbiſhops, biſhops, deans, archdeacons, dignitaries, and prebendaries of cathedral churches in this kingdom of Ireland, are ſo inconveniently ſituated, that the reſidence of the ſaid archbiſhops, biſhops, deans, archdeacons, dignitaries, and prebendaries of cathedral churches, is become leſs uſeful, than it ought to be; and the ſaid archbiſhops, biſhops, deans, archdeacons, dignitaries, and prebendaries are diſcharged from building houſes on their reſpective menſal lands, and thereby rendered incapable of attending the duties and offices of the ſaid cathedral churches in ſuch manner, as the decent ſervice of Almighty God and the canons and conſtitutions of the church of this kingdom of Ireland command and require: for remedy whereof, and for the furtherance and promotion of the true religion eſtabliſhed in this kingdom, the maintenance of hoſpitality, and the encouraging building, and the ſettlement of proteſtants in ſuch cities, towns, or villages, where ſuch cathedrals now are or may be erected hereafter; be it enacted by the King's moſt excellent Majeſty, by and with the advice

Biſhops, &c. not included therein.

Miſchief thereof.

advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That it ſhall and may be lawful for any archbiſhop or biſhop, dean, archdeacon, dignitary, or prebendary of any cathedral church in this kingdom of Ireland by deed or deeds to exchange ſuch their demeſne or menſal lands, as are ſo inconveniently ſituated, or any part thereof, with any archbiſhop, biſhop, dean, archdeacon, dignitary, or prebendary aforeſaid, or with any other perſon, for lands of equal value, worth, and purchaſe, that lye more convenient, and are fitter for building and improvement in any ſuch city, town, or village near ſuch cathedral church, in ſuch manner as by the ſaid act made in the ſecond year of her late moſt excellent Majeſty Queen Anne, intituled, *An act for the exchange of glebes belonging to churches in this kingdom*, is directed: and that the lands ſo conveyed in exchange for ſuch demeſne, or menſal lands, ſhall to all intents and purpoſes of law be deemed and reputed as the demeſne or menſal lands of ſuch archbiſhop, biſhop, dean, archdeacon, dignitary, or prebendary of ſuch cathedral church making ſuch exchange, and his and their reſpective ſucceſſors for ever.

Biſhops, dignitaries, &c. may by deed exchange their demeſne lands inconveniently ſituated.

as by 2 *Anne* 10. 5 *G.* 2. 6. 15 *G.* 2. 5. 29 *G.* 2. 8. 31 *G.* 2. 11.

II. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for every archbiſhop, biſhop, dean, archdeacon, dignitary, or prebendary of any cathedral church, with the conſent of the chief governor or governors of this kingdom for the time being, and the privy council of the ſame, (ſix at leaſt of the ſaid privy council agreeing thereunto) out of any part of his or their reſpective lands, being actually out of leaſe, or whereof any leaſe unexpired ſhall be ſurrendered unto, or purchaſed by, ſuch archbiſhop, biſhop, dean, archdeacon, dignitary, or prebendary, to ſet apart ſo much as ſhall be convenient for demeſne or menſal lands, to him and his ſucceſſors for ever; which land or lands ſo ſet apart ſhall for ever thereafter to all intents and purpoſes be reputed and taken for the demeſne or menſal lands of ſuch reſpective archbiſhop, biſhop, dean, archdeacon, dignitary, or prebendary of any cathedral church, and his ſucceſſors: and where the preſent demeſne lands, or any part thereof, to any archbiſhop, biſhop, dean, archdeacon, dignitary, or prebendary of any cathedral church belonging, are ſituate at too great a diſtance from his manſion houſe, it ſhall and may be lawful to and for ſuch archbiſhop, biſhop, dean, archdeacon, dignitary, or prebendary of any cathedral church, and his and their ſucceſſors reſpectively, with the conſent of ſuch chief governor or governors, and privy (council ſix of them at the leaſt agreeing

And with conſent of chief governors, &c. may ſet apart for demeſne land out of leaſe, ſurrendered or purchaſed.

and where demeſne at too great diſtance, may ſet apart other lands out of leaſe, &c. more convenient, and demiſe the demeſne of equal value under the ſame terms.

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agreeing thereunto) to ſet apart other lands belonging to ſuch archbiſhop, biſhop, dean, archdeacon, dignitary, or prebendary, and being actually out of leaſe, or whereof any leaſe unexpired ſhall be ſurrendered unto, or purchaſed by, the ſaid archbiſhop, biſhop, dean, archdeacon, dignitary, or prebendary of any cathedral church, that lye at a more convenient diſtance from his manſion houſe, for ever after to be reputed as demeſne or menſal lands, to him and his ſucceſſors, and in lieu thereof to demiſe ſuch demeſne or menſal lands ſituate at too great a diſtance from his or their manſion houſe as aforeſaid, being of equal value with the lands ſo ſet apart for demeſne or menſal lands, for ſuch eſtate or intereſt, and under as great a rent, and the ſame reſervations, terms, and conditions, as he or they might by law have demiſed the lands ſo ſet apart as aforeſaid.

But if part only of the demeſne let in one leaſe, conſent muſt be obtained.

III. Provided nevertheleſs, That if part only of ſuch demeſne or menſal lands, ſo to be demiſed in lieu of lands ſo ſet apart as aforeſaid, ſhall be let in one leaſe, in every ſuch caſe the conſent of the chief governor or governors and privy council of this kingdom, (ſix at leaſt of ſuch privy council agreeing thereunto,) ſhall be firſt obtained to the rent, reſervations, terms, and conditions of ſuch leaſe; otherwiſe the ſame ſhall be void.

Where conſent once obtained, ſaid demeſne may be let again on ſame terms without conſent.

IV. Provided always, and be it further enacted by the authority aforeſaid, That when the conſent of the chief governor or governors and privy council has once been obtained as aforeſaid, for the ſetting any leaſe of any part of ſuch demeſne or menſal lands to any archbiſhop, biſhop, dean, archdeacon, dignitary, or prebendary of any cathedral church belonging; it ſhall from thenceforth be lawful to and for every ſuch archbiſhop, biſhop, dean, archdeacon, dignitary, or prebendary of any cathedral church, and his and their ſucceſſors, without any ſuch conſent ever again to be had or given, to ſett any leaſe or leaſes of the ſame lands in ſuch manner, and under ſuch yearly rent or rents, as the leaſe or leaſes thereof granted with ſuch conſent as aforeſaid was or were made.

William archbiſhop of Dublin may by deed inrolled grant lands, whereof ſeiſed in his own right, to reſident curates,

V. And whereas William lord archbiſhop of Dublin is deſirous to ſettle reſident curates to have the cure of ſouls in ſeveral pariſhes ſituate in the dioceſs of Dublin, and to endow ſuch curacies with proper glebes: be it therefore enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid William lord archbiſhop of Dublin by any deed or deeds under his hand and ſeal, to be enrolled in the high court of Chancery of this kingdom, to give or grant any lands, tithes, tenements, or hereditaments, whereof he the ſaid William lord archbiſhop of

Dublin

Dublin is or ſhall be ſeized in his own right, to any ſuch reſident curates, as are or ſhall be by him conſtituted and appointed for the cure of ſouls in any ſuch pariſh or pariſhes, and their ſucceſſors; and ſuch grant or grants ſhall be good, valid, and effectual in law; and ſuch lands, tithes, tenements, and hereditaments, ſo given and granted as aforeſaid, ſhall be and remain to ſuch curates and their ſucceſſors reſpectively for ever.

to them and ſucceſſors.

VI. And be it further enacted by the authority aforeſaid, That in caſe any ſuch reſident curate, or his ſucceſſors, ſhall at any time build, erect, make, or add to any houſe, out-houſe, garden, orchard, or any other neceſſary improvement, on any lands ſo given and granted as aforeſaid, which ſhall be fit and convenient for the habitation of ſuch reſident curate and his ſucceſſor, ſuch curate for the time being, making any ſuch improvement as aforeſaid, ſhall have and receive from his next and immediate ſucceſſor, his executors or adminiſtrators, two thirds of the ſum or ſums really and truly expended and laid out by him on ſuch houſes or other buildings or improvements, neceſſary annual reparations only excepted; which ſum or ſums ſhall be finally ſettled and aſcertained by certificate under the hand and ſeal of the archbiſhop of Dublin for the time being; and ſuch ſucceſſor having paid the two thirds of the ſum or ſums, ſo certified as aforeſaid, ſhall and may receive one moiety thereof from his next and immediate ſucceſſors, his executors or adminiſtrators; to be paid and recovered at ſuch times, in ſuch manner, and by ſuch ways and methods, as vicars in any other pariſhes are enabled to receive and recover the like diſburſements, by an act made in this kingdom in the tenth year of the reign of his late Majeſty King William the third, intituled, *An act to encourage building of houſes and making other improvements on church lands, and to prevent delapidations.*

Such curate allowed by ſucceſſor for improvement two thirds. 12 *G.* 1. 10. 1 *G.* 2. 15.

Aſcertained by certificate of ſaid archbiſhop.

Succeſſor to receive a moiety from his ſucceſſor, as by 10 *W.* 3. 6.

CHAP.

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CHAP. XII.

An act for the better enabling of the clergy having cure of souls to reside upon their respective benefices; and for the encouragement of protestant schools within this kingdom of Ireland.

15 C. 1. 11. New churches endowed in pursuance thereof.

WHEREAS by an act of Parliament made in the fifteenth year of our late sovereign King Charles the first, intituled, *An act for endowing of churches with glebe lands*, it is enacted, "That any person without licence of *mortmain* may endow "churches having no glebe lands, or not above ten acres of "glebe, with new glebe, so as the glebe of any such church so "endowed do not exceed forty acres at the most:" and whereas very few churches within this kingdom have since the time of making the said act, and in pursuance of the good design thereof, been so endowed: for the more effectual promoting therefore of the design and intent of the said act, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That it shall and may be lawful to and for any person by the above mentioned act qualified to endow, and so endowing, a church as aforesaid, to reserve unto himself and his heirs for ever such yearly rent out of the lands to be by him granted, and under such clauses and covenants, as shall be agreed upon between such person so granting the same and the incumbent of the said church, by and with the consent of the archbishop or bishop of the diocess, and archbishop of the province, in which such church shall be situate; such consent being signified by certificate in writing under his and their archiepiscopal and episcopal seals respectively.

Any person endowing a church according thereto may reserve a yearly rent, as agreed on, with consent of bishop certified.

vid. 10 *G.* 1. 6.
1 *G.* 2. 15.
3 *G.* 2. 12.

II. Provided always, That such endowment, together with the certificate signifying such consent of the said archbishop and bishop respectively as aforesaid, shall within six calendar months from the making of the same be enrolled in the high court of Chancery; for which enrolment the sum of thirteen shillings and four pence shall be paid, and no more.

Endowment and certificate in six months to be inrolled in Chancery, paying 13 s. and 4 d.

III. Provided nevertheless, That no person shall be hereby enabled to endow any church with any portion of the demesne lands, usually occupied with and reputed as demesne to appertain unto the manson or chief dwelling-house to him and his heirs belonging.

Demesne to be no part of endowment.

IV. And

IV. And be it further enacted by the authority aforeſaid, That if any incumbent of any ſuch church ſhall purchaſe glebe-land, and endow his ſaid church with the ſame, reſerving no rent thereout, ſuch incumbent, his executors, or adminiſtrators, ſhall be intituled to two thirds of his purchaſe money to be paid by his immediate ſucceſſor, his executors, or adminiſtrators; and ſuch immediate ſucceſſor, his executors, or adminiſtrators, ſhall be intituled to one half of what he ſhall ſo pay; which reſpective ſums ſhall be paid and recovered at ſuch times, in ſuch manner, and by ſuch ways and methods, as vicars of any pariſhes are enabled to recover any ſum or ſums of money, laid out in building upon and improving church lands, by an act paſſed in the tenth year of the reign of our late ſovereign King William the third, intituled, *An act to encourage building of houſes and making other improvements on church lands, and to prevent dilapidations.*

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If incumbent purchaſe glebe, and endow, reſerving no rent, intitled to two thirds of purchaſe money from ſucceſſor, who is intitled to half;

recovered as money laid out by vicars by 10 *Wil.* 3. 6.

V. And whereas by an act made in the ſecond year of our late ſovereign Queen Anne, intituled, *An act for the exchange of glebes belonging to churches in this kingdom,* power is given unto every archbiſhop and biſhop under the limitations in the ſaid act mentioned to grant twenty acres of land, plantation meaſure, belonging to his archbiſhoprick or biſhoprick near any church, and convenient for a glebe to the ſaid church, to a rector, vicar, or other eccleſiaſtical perſon having actual cure of ſouls, and his ſucceſſors, for a glebe: and whereas by experience it is found that in many parts of this kingdom, by reaſon of the barrenneſs of the land, twenty acres of the ſame will be no way ſufficient for the accommodation and reſidence of the incumbent: be it therefore enacted by the authority aforeſaid, That it ſhall and may be lawful for every archbiſhop and biſhop, with the conſent of his dean and chapter reſpectively ſignified by certificate in writing under their hand common ſeal, and, where there is no dean and chapter, with the conſent of the archdeacon and ſix beneficed clergy-men of his dioceſs, ſignified in writing under their hands and ſeals by deed or deeds under the hands and ſeals of ſuch archbiſhop or biſhop reſpectively (ſuch deed or deeds, together with ſuch certificate of ſuch conſent as aforeſaid, to be enrolled as aforeſaid, and under the rules and limitations of the ſaid laſt mentioned act) to grant any quantity of land belonging to his archbiſhoprick or biſhoprick reſpectively, not exceeding forty acres plantation meaſure, as a glebe for the incumbent or miniſter of any pariſh having actual cure of ſouls: provided that ſuch quantity of land ſo granted, together with all other glebe to ſuch incumbent before belonging, ſhall not exceed forty acres plantation meaſure.

2 *Anne* 10.

20 acres no ſufficient in many parts.

Biſhops, with conſent certified and inrolled as by that act, may grant 40 acres for glebe.

But the whole glebe not to exceed 40 acres.

VI. Provided always, That where two or more eccleſiaſtical benefices are united either in purſuance of any act of Parliament,

Where an union, no more than one church ſhall

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of by an epiſcopal union, it ſhall not be lawful for any perſon, during the continuance of the ſaid parliamentary or epiſcopal union, to endow more than one of the churches, to any ſuch union belonging, with any portion of glebe: ſaving and excepting always, that it ſhall and may be lawful for any perſon before mentioned to give or grant to any archbiſhop or biſhop of any dioceſs, and his ſucceſſors, any quantity of land not exceeding ten acres for the uſe of a reſident curate of any church or chappel of eaſe, wherein divine ſervice ſhall be conſtantly performed, ſo as that all the glebe land belonging to any pariſh-church or mother-church in any union, and alſo the chappel or chappels of eaſe to any ſuch pariſh-church or mother-church belonging ſhall not in the whole exceed ſixty acres plantation meaſure.

be endowed with glebe.

But 10 acres may be granted for reſident curate of chappel of eaſe:

ſo as the whole glebe exceed not 60 acres.

VII. And whereas the firſt fruits, ariſing out of all eccleſiaſtical benefices and promotions within this kingdom, are by letters patents from her late Majeſty Queen Anne, and by an act of Parliament for confirming the ſame, made in the ſecond year of his preſent Majeſty's reign, veſted in certain truſtees as a fund for purchaſing glebes, and for other uſes in the ſaid letters patents and act of Parliament mentioned: be it further enacted by the authority aforeſaid, That in caſe any incumbent or miniſter, having actual cure of ſouls, ſhall tender a certificate under the hand and ſeal of the archbiſhop or biſhop of the dioceſs reſpectively to the ſaid truſtees for the time being, or to ſuch a number of them duly aſſembled, as have power by law to act, That the ſaid incumbent hath built, or procured to be built, upon the glebe belonging to his benefice, where ſuch cure is, one convenient dwelling-houſe covered with ſhingles, ſlates, or tiles, then and in every ſuch caſe it ſhall and may be lawful to and for the ſaid truſtees, or ſuch number of them aſſembled as aforeſaid, at their diſcretion out of the ſaid fund to pay any ſum not exceeding one hundred pounds *ſterling* to ſuch incumbent, his executors, adminiſtrators, or aſſigns, towards reimburſing the charge ſuch incumbent ſhall have been at in ſuch building.

2 G. 1. 15.

If incumbent tenders to truſtees of firſt fruits, certificate of building a houſe ſlated, &c. on his glebe, to be paid 100 l. at their diſcretion.

VIII. Provided always, and be it hereby enacted by the authority aforeſaid, That ſuch ſum or ſums, as ſhall be ſo paid to ſuch incumbent, his executors or adminiſtrators, ſhall not be compriſed in, but ſhall be left out of, any certificate by any archbiſhop or biſhop to him or them to be given for any ſum or ſums of money by ſuch incumbent laid out or expended in buildings or improvements in purſuance of the ſaid act of the tenth year of the reign of his ſaid late Majeſty King William the third, intituled, *An act to encourage building of houſes, and making other improvements on church-land, and to prevent dilapidations.*

Such ſum not to be compriſed in biſhop's certificate of money laid out by incumbent purſuant to 10 *Wil.* 3. 6.

IX. And for the better encouragement of Engliſh proteſtant ſchools, which are much wanting in this kingdom, be it enacted by the authority aforeſaid, That it ſhall and may be lawful for every archbiſhop and biſhop with ſuch conſent, and ſignified as before mentioned, and alſo for every dean, archdeacon, dignitary, prebendary, rector, vicar, and eccleſiaſtical perſon whatſoever, with the conſent of his archbiſhop or biſhop, ſuch conſent to be ſignified by certificate in writing under the hand and ſeal of ſuch archbiſhop and biſhop reſpectively, by deed or deeds under their reſpective hands and ſeals (ſuch deed and deeds, together with ſuch certificates of ſuch conſent as aforeſaid, to be enrolled as aforeſaid reſpectively) to make an abſolute grant unto the church-wardens of each pariſh, and their ſucceſſors for ever; who are hereby enabled to take and hold ſuch grant accordingly of any quantity of land to any of them reſpectively belonging as glebe or otherwiſe, not exceeding two acres for an archbiſhop or biſhop, and one acre for any other perſon before mentioned, for the uſe of a reſident proteſtant ſchool-maſter to teach the Engliſh tongue, from time to time to be nominated by the perſon making ſuch a grant, and his ſucceſſors, and licenſed by the archbiſhop or biſhop of the dioceſs reſpectively.

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Biſhops, dignitaries, and all eccleſiaſtical perſons, with conſent certified may by deed (inrolled with certificate) grant to church-wardens, 2 acres for a biſhop and one for others, for an Engliſh proteſtant ſchool-maſter, named by grantor and ſucceſſors, and licenſed.

5 G. 2. 4.
29 G. 2. 7.

X. Provided that no land granted as aforeſaid for the uſe of any rector, vicar, or other eccleſiaſtical perſon, or of any ſchool-maſter, ſhall be reputed to make ſuch rector, vicar, eccleſiaſtical perſon, or ſchool-maſter, or any perſon under any of them deriving, a freeholder to any intent or purpoſe of law whatſoever.

No grant as aforeſaid ſhall make any of ſaid perſons freeholders.

CHAP. XIII.

An act for reducing the intereſt of money to ſeven per cent.

WHEREAS at this time there is a very great abatement in the value of divers merchandizes, wares, and commodities of this kingdom both at home and alſo in foreign parts, whither they are tranſported: and whereas divers ſubjects of this kingdom, as well the gentry, as merchants, farmers, and tradeſmen, both for their urgent and neceſſary occaſions for the following their trades, maintenance of their ſtocks and employments, have borrowed, and do borrow, divers ſums of money, wares, merchandizes, and other commodities: but by reaſon of the ſaid fall and abatement of the prices of the ſaid merchandizes, wares, and commodities, an intereſt on loan, continuing at ſo high a rate as eight pounds in the hundred pounds for a year, doth not only make men unable to pay their debts, and continue

10 C. 1. 22. *ſeſſ.* 2. 10 *per cent.*
2 *Anne* 16. 8 *per cent.*
5 G. 2. 7. 6 *per cent.*
21 J. 1. 17. *Eng.*
12 C. 2. 13. *Eng.*
12 *Anne* 16. ſtat. 2. *Eng.*

Abatement in value of merchandiſe, debts increaſing from ſo high intereſt as 8 *per cent*, men

A. D. 1721. Chap. 13.

continue their trade, but their debts daily encreasing, they are forced to sell their goods at very low rates, to forsake the use of merchandize and trade, and so become unprofitable members of the commonwealth, to the great hurt and hinderance of the same: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That no person or persons whatsoever from and after the twenty fifth day of March, which will be in the year of our Lord one thousand seven hundred and twenty two, upon any contract, to be made after the said twenty fifth day of March one thousand seven hundred and twenty two, shall take directly or indirectly for loan of any monies, wares, merchandizes, or other commodities whatsoever, above the value of seven pounds for the forbearance of one hundred pounds for a year, and so after that rate for a greater or lesser sum, or for a longer or shorter time; and that all bonds, contracts, and assurances whatsoever, made after the time aforesaid for payment of any principal, or money to be lent, or covenant to be performed upon or for any loan, whereupon or whereby there shall be taken or reserved above the rate of seven pounds in the hundred as aforesaid, shall be utterly void: and that all and every person or persons whatsoever, which shall after the time aforesaid upon any contract to be made after the said twenty fifth day of March, which shall be in the year of our Lord one thousand seven hundred and twenty two, take, accept, and receive by way or means of any corrupt bargain, loan, exchange, chevizance, whift, or interest, of any wares, merchandizes, or other thing or things whatsoever, or by any deceitful way or means, or by any covin, engine, or deceitful conveyance for the forbearing or giving day of payment for one whole year, of or for their money, or other thing, above the sum of seven pounds for the forbearing of one hundred pounds for a year, and so after that rate for a greater or lesser sum, or for a longer or shorter time, shall forfeit and lose for every such offence the treble value of the monies, wares, merchandizes, and other things so lent, bargained, sold, exchanged, or whifted.

Forced to sell their goods at very low rates, and forsake trade.

After 25 March 1722 on any contract none shall take for loan of money or commodities above 7 *per cent.*

Bonds and contracts where more reserved, void.

Penalty treble value on persons taking more by any corrupt bargain, loan, exchange or any covin.

II. Be it also enacted by the authority aforesaid, That all and every scrivener and scriveners, broker and brokers, solicitor and solicitors, driver and drivers of bargains for contracts, who shall after the said twenty fifth day of March which shall be in the year of our Lord one thousand seven hundred and twenty two, take or receive directly or indirectly any sum or sums of money, or other reward or thing for brokage, soliciting, driving, or procuring

For brokage or procuring loan no more than 5 *s.* for 100 *l.* for a year shall be taken;

curing the loan, or forbearing of any ſum or ſums of money over and above the rate or value of five ſhillings, for procuring the loan or forbearing of one hundred pounds for a year, and ſo rateably, or above twelve pence for making or renewing of the bond or bill concerning the ſame, ſhall forfeit for every ſuch offence twenty pounds, and ſuffer impriſonment for half a year; the one moiety of all which forfeitures to be to our ſovereign Lord the King's Majeſty, his heirs and ſucceſſors, and the other moiety to him or them that ſhall ſue for the ſame in any of his Majeſty's Four courts in Dublin by action of debt, bill, plaint, or information, in which no eſſoign, wager of law, or protection, ſhall be allowed.

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and 12 d. for making bond or bill: Penalty 20 l. and 6 month's impriſonment.

All forfeitures to the King and proſecutor.

CHAP. XIV.

An act for the better ſecuring the payment of bankers notes.

Repealed 33 G. 2. c. 14.

WHEREAS the trade of this kingdom is partly carried on by the means of caſh notes given by bankers, or thoſe intruſted by them to give notes, to the payment whereof their real eſtates are not liable after their reſpective deaths, which in many caſes may prove dangerous to their creditors; for the better ſecuring the payment of ſuch notes, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That where any perſon or perſons doth or ſhall follow or exerciſe the trade or calling of a banker by keeping a publick ſhop, houſe, or office, for the receipt of the money of ſuch perſons, as are willing to depoſite the ſame in his or their cuſtody, and doth or ſhall uſually by himſelf, or any perſon by him or them for that purpoſe imployed, give or iſſue out promiſory notes for the payment of money ſo depoſited on demand, or upon any certain day, if any ſuch banker, perſon or perſons, ſhall not pay ſuch note or notes upon demand, when the ſame is or ſhall become due, every ſuch banker, perſon or perſons, ſo making default in payment, his and their heirs, executors, and adminiſtrators, ſhall from thenceforth be liable to pay not only the ſum and ſums in ſuch note or notes contained, but alſo legal intereſt for the ſame from the time of ſuch demand unto the time of paying the ſame; and in caſe any action ſhall be brought upon any ſuch note, and the plaintiff in ſuch action ſhall recover againſt the defendant, ſuch plaintiff ſhall have judgment againſt ſuch defendant for the ſum due upon ſuch note at the time of the demand thereof made, together with the legal intereſt thereof, to the time of ſuch judgment.

II. And be it enacted by the authority aforeſaid, That if any ſuch banker or bankers ſhall abſcond and conceal himſelf or themſelves from his or their creditors, upon affidavit made by any credible perſon that ſuch banker or bankers hath or have abſconded and concealed himſelf or themſelves as aforeſaid, and that a demand hath been made at his or their ſhop or uſual place of reſidence for any ſum or ſums, for which he or they, or any perſon by them for that purpoſe employed, have iſſued any promiſſory note or notes, it ſhall and may be lawful to and for any perſon or perſons, to whom the ſame is due and payable, to proſecute his, her, or their action, againſt ſuch banker or bankers, and to obtain judgment therein, in ſuch manner as if ſuch banker or bankers had been actually arreſted at his, her, or their ſuit, and had given an appearance or put in bail thereon.

And be it further enacted by the authority aforesaid, That notwithstanding any such banker, banker's or any of their real or personal estate be seized belonging either in law or equity, after the time that such banker shall so abscond and conceal himself from his creditors, although the same should be made for valuable consideration, shall hinder or prevent any creditor, to whom any sum of money shall have been due before the time of such absconding, from having such debt, as he shall recover, levied upon any such real or personal estate of such banker, at the time of his absconding shall have been possessed of, in such manner as if no settlement or conveyance thereof had been made.

IV. And be it further enacted by the authority aforesaid, That immediately from and after the death of any banker or bankers all the real estate, as fee simple or fee tail, and all the personal estate, credits, and effects whatsoever, either in law or equity, of which such banker or bankers shall die possessed, or be intituled to, at the time of his or their death, shall be liable and subject to all and every his and their debts of what kind or nature soever the same be, notwithstanding any settlement, conveyance, devise, legacy, bequest or other disposition thereof made, other than such as shall appear to have been made *bona fide* for good and valuable consideration; and all and every creditor and creditors of such banker or bankers shall and may have and maintain his, her, or their action or actions for his, her, or their respective debts and demands against the heir and heirs at law of such banker or bankers, or against such heir or heir at law, and the devisee or devisees, grantee or grantees of such real estates, or any part thereof (other than purchasers for valuable consideration) as aforesaid, jointly by virtue of this act; and such creditor and creditors shall and may recover his, her, or their debts and demands against the defendant or defendants in such action or actions, in the same manner to all intents and purposes as debts due by any specialty, made by any testator, may be recovered against any devisee, by virtue of an act of Parliament made in the second year of the reign of her late Majesty Queen Anne, intituled, *An act* 2 Anne 5.
for the relief of creditors against fraudulent devises.

V. And be it further enacted by the authority aforesaid, That all deeds and conveyances, that shall from and after the second day of February one thousand seven hundred twenty and one, be made or perfected by any banker or bankers, or any person or persons by them for that purpose impowered, whereby any real estate shall be granted, released, sold, mortgaged, demised, or any way incumbered or affected, shall be duly inrolled in the high court of Chancery of this kingdom within one kalender month from the time the same shall be perfected by the parties thereto, or any of them; and a memorial thereof shall also be registred in the office for the publick registry of all deeds, conveyances, and wills, that shall be made of any honours, manors, lands, tenements, or hereditaments, within one kalender month from the perfection thereof, by any of the parties thereto, if such deed be perfected in this kingdom, and if such deed shall be perfected by any such banker or bankers, when out of this kingdom, then such deed or conveyance shall be inrolled and registred as aforesaid within three kalendar months from the perfection thereof by any of the parties thereto; and for want of such inrolment or registry, all such deeds and conveyances as aforesaid shall be deemed fraudulent and void against all and every creditor and creditors of such banker or bankers, notwithstanding such deed or conveyance was made for valuable consideration.

A. D. 1721.

CHAP. XV.

An Act for explaining and amending two ſeveral acts in relation to the publick regiſtring of all deeds conveyances, and wills.

WHEREAS by an act of Parliament made in this kingdom in the fifth year of the reign of her late Majeſty Queen Anne, intituled, *An act for publick regiſtring of all deeds, conveyances, and wills, what ſhall be made of any honours, manners, lands, tenements, or hereditaments*, it is among other things enacted, "That all and every memorial to be entered or regiſtred, as "by the ſaid act is preſcribed, ſhall be put into writing in vellum "or parchment, and directed to the regiſter of the office therein "appointed; and, in caſe of deeds and conveyances, ſhall be under "the hand and ſeal of ſome or one of the grantors, or ſome or "one of the grantees, his, her, or their guardians or truſtees:" and whereas a doubt hath ariſen, whether in caſe of the death of the immediate grantee or grantees in any ſuch deed or conveyance, before his, her, or their having duly executed a memorial, the execution of a memorial by the heirs, executors, adminiſtrators, or aſſigns, of ſuch grantee or grantees, be ſufficient in order to the entring and regiſtring ſuch memorial within the intent and meaning of the ſaid recited act: and whereas many ſuch immediate grantees have happened to die, before they had executed memorials of their deeds and conveyances, by means whereof, and by reaſon of the aforeſaid doubt, memorials of many deeds and conveyances have not been hitherto regiſtred, and many hereafter may happen not to be regiſtred, which may be to the great prejudice of many of his Majeſty's faithful ſubjects in their eſtates and properties: for remedy whereof, be it declared and enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That where any grantee or grantees in any deed or deeds, conveyance or conveyances, made and executed ſince the twenty fifth day of March one thouſand ſeven hundred and eight, or that ſhall hereafter be made and executed, or any deviſee or deviſees by any will or wills, as well in caſes where the teſtator hath died ſince the ſaid twenty fifth day of March, as where the teſtator ſhall happen to die hereafter, of or concerning, or whereby any honours, mannors, lands, tenements, and hereditaments within this kingdom of Ireland are or may be any ways affected, hath or have

6 *Anne* 2. Sec. 6.

Doubt thereupon.

Grantees or deviſees dying before they execute a memorial, the heirs, executors, &c. may ſign and ſeal a memorial.

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have happened, or ſhall happen, to die, before his, her, or their having executed a memorial of ſuch deed or deeds, conveyance or conveyances, will or wills; it ſhall and may be lawful to and for the heirs, executors, adminiſtrators, or aſſigns, of ſuch grantee or grantees, deviſee or deviſees, or for ſome or one of them, to ſign and ſeal a memorial of ſuch deed or deeds, conveyance or conveyances, will or wills; and the ſame ſhall be and is hereby declared to be as valid and effectual for the entring and regiſtring of ſuch deeds, wills, and memorials, from the time of entring and regiſtring the ſame, as if ſuch memorial had been ſigned and ſealed by ſome or one of the immediate grantees or deviſees named in ſuch deed or deeds, conveyance or conveyances, will or wills; and that in all memorials, hereafter to be ſigned and ſealed, the place of abode of the ſubſcribing witneſs or witneſſes to ſuch memorial, who is not a ſubſcribing witneſs to ſuch deed or deeds, conveyance or conveyances, will or wills, ſhall be inſerted in the ſaid memorial.

Place of abode of witneſs to memorial, who is not witneſs to the deed or will, ſhall be inſerted in memorial.

II. And whereas by the ſaid recited act it is further enacted, "That every regiſter, or his deputy, as often as required, ſhall make "ſearches concerning all memorials, that are regiſtred as aforeſaid, "and give certificates concerning the ſame under his hand, if "required by any perſon;" and whereas a doubt hath alſo ariſen, whether the regiſter, or his deputy, are obliged by the ſaid recited act to give negative certificates: and whereas the ſaid act would prove in a great meaſure ineffectual, and the intent thereof be fruſtrated, and purchaſers rendred precarious and inſecure, in caſe negative certificates be not given by the regiſter, or his deputy, to the perſon or perſons requiring the ſame: be it therefore further enacted by the authority aforeſaid, That when any perſon or perſons ſhall come to the ſaid regiſter-office, and require any ſuch negative certificate to be given, he, ſhe, or they, ſo requiring the ſame, ſhall deliver unto and lodge with the ſaid regiſter, or his deputy, a note in writing, under his, her, or their hand or hands, and mentioning his, her, or their reſpective places of abode, to the following effect: *(viz.)*

further doubt on 6 *Anne* 2. *Sec.* 10.

Regiſter, upon delivery of note to him, ſhall file it, and give negative certificate.

The note.

I (or we) deſire to know what memorial or memorials are entered in your office of any deeds or conveyances made to any, and what perſon or perſons; or of any and what wills made by of or concerning any and what manners, lands, tenements, or hereditaments, ſince the day of in the year of our Lord

And

And upon delivery of ſuch note in writing, as aforeſaid, the ſaid regiſter, or his deputy, ſhall file the ſaid note, and ſhall be and is hereby required, as ſoon as conveniently may be, to give to ſuch perſon or perſons requiring the ſame, a negative certificate or certificates to the effect following: *(viz.)* A. D. 1721. Chap. 15.

Upon diligent ſearch made in the regiſter-office from the day in the year of our Lord I do not find any memorial of any deed or conveyance made by to any perſon or perſons, of any mannors, lands, tenements, or hereditaments whatſoever, entred in the ſaid office before the date hereof, except the memorials herein after mentioned, (viz.) *Witneſs my hand this day of in the year of our Lord* Certificate.

Which certificate ſhall be atteſted by two or more credible witneſſes; of which the perſon, or one of the perſons, who bring ſuch note, ſhall be one; and if ſuch regiſter, or his deputy, ſhall be guilty of any fraud, colluſion, or wilful neglect, in making out ſuch certificate or certificates, whereby any perſon ſhall be agrieved or damnified, ſuch perſon ſo damnified, his heirs, executors, or adminiſtrators, ſhall recover his damages againſt ſuch officer, or his deputy, with full coſts of ſuit. Two witneſſes to certificate: one the perſon who brings it. Regiſter guilty of fraud or neglect, damages and full coſts to the party.

III. And whereas by an act of Parliament made in the eighth year of the reign of her ſaid late Majeſty Queen Anne, intituled, *An act for amending an act*, intituled, *An act for the publick regiſtring of all deeds, conveyances, and wills, that ſhall be made of any honours, mannors, lands, tenements, or hereditaments*; it is enacted, " That in caſe of mortgages, whereof memorials then " had been entred, or ſhould be entred, in the ſaid regiſter-office " purſuant to the ſaid firſt mentioned act, if at any time after- " wards a certificate ſhould be brought to the regiſter of the ſaid " office, or his deputy, ſigned and ſealed by the reſpective mort- " gagee or mortgagees in ſuch mortgage, his, her, or their re- " ſpective executors, adminiſtrators, or aſſigns, and atteſted by " two or more witneſſes, one of which witneſſes ſhould by affi- " davit, to be made in manner by the ſaid laſt recited act directed, " prove ſuch money to be ſatisfied and paid accordingly, and that " he or ſhe ſaw ſuch certificate ſigned and ſealed as aforeſaid; that " then the ſaid regiſter, or his deputy, ſhould make an entry in " the margin of the regiſtry books againſt the regiſtry of the me- " morial of ſuch mortgage, that ſuch mortgage was ſatisfied and 8 *Anne* 10. *Sect.* 3.

A. D. 1721. Chap. 15.

" diſcharged according to ſuch certificate:" and whereas ſatisfaction on all judgments can be acknowledged in the courts of King's bench, Common pleas, and Exchequer, and alſo ſatisfaction on all ſtatutes ſtaple and ſtatutes merchant entred in the high court of Chancery, by virtue of a warrant of attorney perfected by the parties recovering ſuch judgments, and conuſees of ſuch ſtatutes, for entring ſuch ſatisfaction, upon oath made by one of the ſubſcribing witneſſes to the ſaid warrant of attorney, that ſuch warrant was ſo perfected by ſuch party or conuzee: and whereas many mortgages, whereof memorials are regiſtred in the ſaid regiſter-office, have been juſtly ſatisfied and diſcharged by accounts between mortgagors and mortgagees, their heirs, executors, adminiſtrators, or aſſigns, or by bills of exchange, new ſecurities, or otherwiſe: yet nevertheleſs it hath been often found impracticable for the perſon or perſons ſatisfying and diſcharging the ſame to make ſuch proof thereof, as the letter of the ſaid laſt recited act requires, and therefore ſatisfaction cannot be acknowledged in the ſaid regiſter-office, but the entries or memorials of ſuch mortgages remain upon record, as though ſuch money due by ſuch mortgages had not been ſatisfied and paid; which is found by experience to be greatly prejudicial to the perſons making ſuch mortgages: for remedy thereof, be it further enacted by the authority aforeſaid, That in caſe of mortgages, where memorials have already been entred and regiſtred, or that hereafter ſhall be entred or regiſtred, in the ſaid regiſter-office; and when the payment of the money cannot be proved, as in the ſaid laſt recited act is directed, if at any time afterwards a certificate or certificates ſhall be brought to the ſaid regiſter, or his deputy, ſigned and ſealed by the reſpective mortgagee or mortgagees in ſuch mortgages, his, her, or their executors, adminiſtrators, or aſſigns reſpectively, and atteſted by three credible witneſſes, at the leaſt, to be named in ſuch certificate, with the places of their abodes and occupations, importing, that the money due by ſuch mortgages, and the intereſt thereof, has been duly paid and ſatisfied to the ſaid mortgagee, his, her, or their executors, adminiſtrators, or aſſigns reſpectively, or to ſome perſon or perſons by his, her, or their order, and ſuch mortgagee or mortgagees, his, her, or their executors, adminiſtrators, or aſſigns, making affidavit in writing at the foot or on the back of ſuch certificate before the ſaid regiſter, or his deputy, or before ſome of the perſons impowered by the ſaid two recited acts, or either of them, who are hereby required and impowered to adminiſter ſuch oath, that he, ſhe, or they, do not know of any other perſon or perſons concerned in intereſt in ſuch mortgage or mortgages, and one of the witneſſes to ſuch certificate by affidavit to be made by him before the ſaid regiſter,

by letter of ſaid act ſatisfaction of mortgages frequently cannot be acknowledged:

where memorial of mortgage regiſtered, and payment of the money cannot be proved, as by 8 *Anne* 10, if afterwards certificate of mortgagee, *&c.* brought to regiſter with 3 witneſſes of payment, and affidavit of mortgagee, *&c.* of not knowing any other concerned, one of the witneſſes making affidavit that he ſaw ſuch certificate ſigned and affidavit ſworn, and mortgagor, *&c.* producing original cancelled, or another certificate proved as aforeſaid of mortgagee, *&c.* that it is loſt or deſtroyed,

regiſter, or his deputy, or before ſome of the perſons impowered by the ſaid two recited acts, or either of them, who are hereby required and impowered to adminiſter ſuch oath, proving, that he or ſhe ſaw ſuch certificate duly ſigned and ſealed by the ſaid mortgagee or mortgagees, his, her, or their reſpective heirs, executors, adminiſtrators, or aſſigns, and ſaw ſuch affidavit ſworn by ſuch mortgagee or mortgagees, his, her, or their executors, adminiſtrators, or aſſigns, and upon the mortgager, or his heirs, executors, adminiſtrators, or aſſigns, his, her, or their attorney or agent, producing to the ſaid regiſter, or his deputy, the original mortgage ſo regiſtred, cancelled, if the ſame be extant and in being; and if the ſame be loſt, or accidentally deſtroyed, then upon ſuch mortgagor, his heirs, executors, adminiſtrators, or aſſigns, leaving with the ſaid regiſter, or his deputy, another certificate ſigned and ſealed by the mortgagee, his heirs, executors, adminiſtrators, or aſſigns, that the ſaid mortgage is loſt or accidentally deſtroyed; which certificate to be atteſted by three credible witneſſes at leaſt, to be named in ſuch certificate, with the places of their abodes and occupations, and one of the witneſſes to ſuch certificate by affidavit, to be made as aforeſaid, proving that he ſaw ſuch mortgagee, his, her, or their heirs, executors, adminiſtrators, or aſſigns, duly ſign and ſeal ſuch certificate, for each of which affidavits ſo made before the ſaid regiſter, or his deputy, the ſum of ſix pence, and no more, ſhall be taken; then and in every ſuch caſe the ſaid regiſter, or his deputy, is hereby required to make an entry on the ſaid regiſtry books againſt the regiſtry of the memorial of ſuch mortgage, as alſo at the foot or on the back of the memorial of ſuch mortgage, that ſuch mortgage was ſatisfied and diſcharged according to ſuch certificate; any thing in the ſaid two recited acts, or either of them, to the contrary thereof in any wiſe notwithſtanding.

Regiſter for each affidavit to take 6 d.

and then to enter ſatisfaction.

IV. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall at any time forge or counterfeit any ſuch certificate, as is herein before mentioned and directed, and ſhall be thereof lawfully convicted, ſuch perſon or perſons ſhall incur and be liable to ſuch pains and penalties as in and by an act of Parliament made in the twenty eighth year of the reign of Queen Elizabeth of bleſſed memory, intituled, *An act againſt forging evidences*, &c. are impoſed upon offenders therein mentioned for forging of any falſe deed or writing ſealed, whereby any eſtate of free-hold or inheritance may be moleſted, troubled, or defeated; and if any perſon or perſons ſhall at any time forſwear him or herſelf before the ſaid regiſter or his deputy, or other perſon impowered by the ſaid two former acts, or either of them, or this act, for taking affidavits in any of the caſes aforeſaid, and be

Penalty of counterfeiting certificate, as by 28 *Eliz.* 3.

A. D. 1721.

be thereof lawfully convicted, ſuch perſon or perſons ſhall incur and be liable to the ſame penalties, as if the ſame oath had been voluntarily and corruptly made in a cauſe depending in any of the courts of record in Dublin in a matter material in ſuch cauſe.

for perjury, as if in court of record at Dublin.

V. And be it further enacted by the authority aforeſaid, That this preſent act ſhall be taken and allowed in all courts within this kingdom as a publick act; and all judges, juſtices, and other perſons therein concerned, are hereby required to take notice thereof as ſuch without ſpecial pleading the ſame.

This a publick act.

CHAP. XVI.

An act for amending an act, intituled, *An act for erecting and continuing lights in the city of Dublin, and the ſeveral liberties adjoining; and alſo in the cities of Cork and Limerick, and liberties thereof.*

Expired, ſave only to intitle repreſentatives of Aldrich and Cummin to recover arrears of taxes.
4 G. 1. 9.
11 G. 2. 19.
15 G. 2. 11.
33 G. 2. 18.

WHEREAS the putting up of lights in the city of Dublin, and other cities in this kingdom, hath been found to be of great uſe for the preventing of murders and robberies within the ſame, and will in all likelihood, if regularly kept, be a means to prevent the like evils and other outragious miſdemeanours, now more frequently committed than heretofore: and whereas by an act made in the laſt ſeſſion of this preſent Parliament, intituled, *An act for erecting and continuing lights in the city of Dublin, and the ſeveral liberties adjoining, and alſo in the cities of Cork and Limerick, and liberties thereof*; it is among other things enacted, "That William Aldrich and Hugh Cumming mer-
"chants, their executors and adminiſtrators, ſhall have full power and autho-
"rity from time to time, during the ſpace of twenty one years, to cauſe pub-
"lick lights to be erected and maintained in the ſaid city of Dublin, to be
"light each night at all times the moon ſhall be down from the firſt of
"September to the fifteenth of April in every year; and that for paying and
"bearing all the charges and expences of the ſaid ſeveral lanthorns or publick
"lights, ſo to be erected and maintained, there ſhould be allowed, during the
"continuance of the ſaid act, for each reſpective houſe the ſum of three ſhil-
"lings yearly, at two equal payments at Chriſtmas and Lady-day, for all ſuch
"time as the ſaid houſes ſhall be inhabited:" and whereas it has been found by experience, That the times, directed by the ſaid act for the ſaid lamps to be light up in each night and year, are not ſufficient for the purpoſes thereby intended, for that ſeveral robberies and inſults have been committed in the city of Dublin by wicked and diſorderly perſons, after the times for enlightening the lamps are expired: be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid William Aldrich and Hugh Cumming, their executors, adminiſtrators, and aſſigns, ſhall, during the term of twenty one years, in the ſaid act granted to them, cauſe the ſeveral lamps to continue to be light up from

Recital of 6 G. 1. 18.

The times for lamps burning by 6 G. 1. 18. inſufficient,

and alte ed.

6 G. 2. 22.

from the twentieth day of Auguſt unto the firſt day of May in every year in the city of Dublin, and that all the lamps ſhall be actually light up at half an hour after ſunſet every night, when the moon ſhall not then be above the horizon, and alſo until the ſixth day of the age of the moon, and every other night at leaſt one hour before the moon ſhall be ſet, and remain ſo till two of the clock in the morning: and that four lanthorns ſhall be placed on each of the ſeveral bridges of the ſaid city of Dublin, which ſhall, in like manner as all the reſt of the lanthorns throughout the ſaid city, be maintained with good ſufficient light; all which ſhall continue burning from half an hour after ſunſet until break of day every night, whether the moon ſhall ſhine or not, between the ſaid twentieth day of Auguſt and firſt day of May in every year.

Additional tax on inhabitants.

II. And whereas they the ſaid William Aldrich and Hugh Cumming, will thereby be obliged to be at a greater expence, than what they have already been at: be it further enacted by the authority aforeſaid, That from and after the twenty fifth day of December in the year of our lord one thouſand ſeven hundred and twenty one, during the continuance of the aforeſaid act, the reſpective inhabitants of all the ſtreets, conſiderable lanes, and other broad places in the ſaid city of Dublin, where the furtheſt diſtance between lamp and lamp ſhall not exceed twenty two yards, ſhall each of them for each reſpective houſe pay the further ſum of ſix pence at two equal payments at Lady-day and Chriſtmas, amounting to the ſum of three ſhillings and ſix pence *per* houſe for all ſuch times, as the ſaid houſes ſhall be inhabited; which ſaid ſum of three ſhillings and ſix pence, ſhall be recovered by the ſaid William Aldrich and Hugh Cumming, their executors, adminiſtrators, and aſſigns, in like manner as the three ſhillings *per* houſe, is in and by the ſaid act directed to be recovered.

Penalty on Aldrich and Cummin for neglect.

III. Provided always, That in caſe the ſaid William Aldrich and Hugh Cumming, their executors, adminiſtrators, and aſſigns, ſhall be negligent in performing their duties in not enlightening and maintaining the ſeveral lights, and ſnuffing them, and cleanſing the glaſs of the ſeveral lanthorns, as they ought to be, according to the true intent and meaning of this and the ſaid before recited act, that then the ſaid William Aldrich and Hugh Cumming ſo neglecting, being thereof convicted by the judgment of any one juſtice of the peace of the ſaid city of Dublin, by the oaths of two ſufficient witneſſes at the leaſt, which the ſaid juſtice is by this act authorized to adminiſter, ſhall forfeit for every ſuch default or neglect the ſum of two ſhillings and ſix pence to him or them, that ſhall think fit to proſecute before ſuch juſtice of the peace for the ſame; the ſaid forfeiture to be levied by diſtreſs upon the goods and chattles of them, the ſaid William Aldrich and Hugh Cumming, or either of them, or of their executors, adminiſtrators, or aſſigns reſpectively for and in reſpect of their ſeveral and reſpective neglects, by warrant or warrants under the hand and ſeal of the ſaid juſtice; and in caſe ſuch forfeiture ſhall not be paid within three days after ſuch diſtreſs ſhall be ſo taken, it ſhall and may be lawful to and for the ſaid juſtice to ſell and diſpoſe of ſuch diſtreſs, rendering the overplus after payment of ſuch forfeiture, and the reaſonable charges for taking and keeping ſuch diſtreſs, to the owner.

Penalty for breaking lamps, &c.

IV. And whereas idle and diſorderly perſons have in a riotous manner frequently broke and deſtroyed the ſaid lamps or lanthorns, to the great loſs of them the ſaid William Aldrich and Hugh Cumming, and the ſaid act is defective: for remedying the ſaid miſchief, be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall after the ſaid twenty fifth day of December one thouſand ſeven hundred and twenty one ſteal or break any ſuch lanthorns or lamps, or ſhall pull out any of the irons fixed in the walls for the ſaid lanthorns or lamps within the ſaid city of Dublin, or liberties adjoining, or other places near the ſaid city of Dublin, or liberties adjoining, where lamps are appointed to be erected by the ſaid recited act, and ſhall be thereof convicted by

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the oath of one or more witneſs or witneſſes before the lord-mayor of the city of Dublin, or feneſchals of the reſpective liberties aforeſaid for the time being (which oath the ſaid lord-mayor of Dublin, and feneſchals of the reſpective liberties aforeſaid, are hereby reſpectively impowered to adminiſter) that then and for every ſuch offence the party ſo offending ſhall forfeit and pay to the uſe of the informer the ſum of five pounds *ſterling*; and alſo ſhall forfeit and pay to the ſaid William Aldrich and Hugh Cumming, their executors, adminiſtrators, and aſſigns, or to any other perſon or perſons, who ſhall be owner or owners of any other lanthorns or lamps within the ſaid city of Dublin, or liberties adjoining, or places aforeſaid, as ſhall be ſo ſtolen or broken, the like ſum of five pounds *ſterling* for each lanthorn or lamp broke, or iron pulled out as aforeſaid; which ſaid ſeveral penalties ſhall be recovered in like manner, and by the ſame ways and methods, as the penalties in and by the ſaid recited act are directed to be recovered, with like remedy by diſtreſs for the ſame; and in caſe no ſufficient diſtreſs can be had, every ſuch offender, who ſhall not forthwith pay the ſaid forfeiture, ſhall by warrant under the hand and ſeal of the ſaid lord-mayor of Dublin, or of the reſpective feneſchals of the ſaid liberties, which warrant the ſaid lord-mayor of Dublin, and feneſchals are reſpectively hereby impowered and required to make, be publickly whipped through the ſtreets of the city of Dublin, or other places where lamps are appointed to be erected as aforeſaid, upon three market-days, any thing in the ſaid act contained to the contrary thereof in any wiſe notwithſtanding.

THE

A. D. 1723.

THE TENTH YEAR OF GEORGE I.

CHAP. I.

An Act for granting and continuing to his Majeſty the additional duties on beer, ale, ſtrong waters, tobacco, and other goods and merchandizes: and alſo upon all ſorts of wine, ſtrong waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine; and alſo for granting and continuing the further additional duties on beer, ale, aqua vitæ, and ſtrong waters, brewed and made in this kingdom; and upon brandy or ſpirits above proof; and on tea, coffee, chocolate, and cocoa-nuts; and alſo a tax on all ſalaries, profits of employments, fees, and penſions therein mentioned: and for ſecuring the re-payment of fifty thouſand pounds ſterling, *formerly advanced to his Majeſty for the uſe of the publick, together with the intereſt thereof.*

WE your Majeſty's moſt dutiful and loyal ſubjects, the commons of Ireland in Parliament aſſembled, being highly ſenſible of your Majeſties tender regard for the ſecurity and welfare of this kingdom, in grateful acknowledgment thereof, and for the better ſupport of your Majeſty's government, and ſecuring the repayment of that debt, which was contracted to enable your Majeſty

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jeſty to put this kingdom in a poſture of defence, when an unnatural and horrid rebellion broke out in Great Britain againſt your Majeſty, have in the moſt chearful manner unanimouſly granted to your Majeſty the ſeveral duties herein after mentioned: and for that end do humbly beſeech your Majeſty, that it may be enacted, and be it enacted, by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſeveral and reſpective additional rates, duties, and impoſitions for and upon beer, ale, ſtrong waters, tobacco, and other goods and merchandizes, which in and by an act of Parliament

2 G. 1. 1. made and paſſed in the ſecond year of his Majeſty's reign, intituled, *An act for granting to his Majeſty an additional duty on beer, ale, ſtrong waters, tobacco, and other goods and merchandizes*, were granted unto his Majeſty, or chargeable in manner therein mentioned, from the twenty firſt day of November one thouſand ſeven hundred and fifteen, during the ſpace of ſix kalendar months, and which by one other act made and paſſed in the ſaid ſecond year of his Majeſty's reign, were continued until the twenty firſt day of November in the year of our Lord one thouſand ſeven hundred and ſeventeen incluſive; and which by one act made and paſſed in the fourth year of his Majeſty's reign, were continued until the twenty firſt day of November in the year of our Lord one thouſand ſeven hundred and nineteen incluſive; and which by another act paſſed in the ſixth year of his Majeſty's reign, were continued until the twenty fifth day of December one thouſand ſeven hundred and twenty one incluſive; and by one other act made and paſſed the laſt

8 G. 1. 1. ſeſſion of Parliament in the eighth year of his Majeſty's reign, intituled, *An act for granting and continuing to his Majeſty the additional duties on beer, ale, ſtrong waters, tobacco, and other goods and merchandizes: and alſo upon all ſorts of wine, ſtrong waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine; and alſo for granting and continuing the further additional duties on beer, ale, aqua vitæ, and ſtrong waters, brewed and made in this kingdom; and upon brandy or ſpirits above proof; and on tea, coffee, chocolate, and cocoa-nuts; and alſo a tax on all ſalaries, profits of employments, fees, and penſions therein mentioned: and for ſecuring the re-payment of fifty thouſand pounds* ſterling, *formerly advanced to his Majeſty for the uſe of the publick, together with the intereſt thereof*, were granted and continued until the twenty fifth day of December one thouſand ſeven hundred and twenty three incluſive, be further granted, continued, raiſed, collected, levied, and paid, unto his Majeſty, his heirs and ſucceſſors, from the ſaid twenty fifth day of December one thouſand ſeven hundred and twenty three, until the twenty fifth day of December one thouſand ſeven hundred and twenty five incluſive.

The additional duties on beer, &c. granted by 2 G. 1. 1. further continued to 25 Dec. 1725.

II. And be it further enacted by the authority aforeſaid, That the ſeveral and reſpective additional rates, duties, and impoſitions for and upon all ſorts of wines and ſtrong waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine imported into this kingdom, which in and by one act of Parliament made and paſſed in the ſecond year of his Majeſty's reign, intituled, *An act for granting to his Majeſty an additional duty on all wines and ſtrong waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine; and alſo a tax on ſallaries, profits of employments, fees, and penſions therein mentioned*, were granted unto his Majeſty, or chargeable in manner therein mentioned, until the twenty firſt day of November one thouſand ſeven hundred and ſeventeen incluſive; and which by an act made and paſſed in the fourth year of his Majeſty's reign, intituled,

2 G. 1. 3.

4 G. 1. 2. *An act for continuing to his Majeſty an additional duty on all wines and ſtrong waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine, and alſo a tax on all ſallaries, profits of imployments, fees, and penſions, therein mentioned, and for granting a further additional duty on ale, beer, and ſtrong waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine, and for ſecuring the repayment of fifty thouſand pounds* ſterling, *formerly advanced unto his Majeſty for the uſe of the publick, together with the intereſt thereof*, were further continued until the twenty firſt day of November in the year of our Lord one thouſand ſeven hundred

and

and nineteen inclusive; and likewise the further and other additional duties and impositions on beer, ale, *aqua vitæ*, and strong waters, brewed, made, and distilled in this kingdom, and upon brandy or spirits above proof imported into this kingdom, which in and by the said last mentioned act were granted unto his Majesty until the twenty first day of November one thousand seven hundred and nineteen inclusive, which several and respective additional duties and impositions upon all sorts of wines and strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine imported into this kingdom, and upon beer, ale, *aqua vitæ*, and strong waters, brewed, made, and distilled in this kingdom, and upon brandy or spirits above proof imported into this kingdom, by an act made and passed in the fifth year of his Majesty's reign, were further granted and continued until the twenty fifth day of December one thousand seven hundred and twenty one inclusive, and which in and by the before mentioned act passed the last session of this present Parliament, in the eighth year of his Majesty's reign, were further granted and continued until the twenty fifth day of December one thousand seven hundred and twenty three inclusive, be further granted, continued, raised, collected, levied, and paid unto his Majesty, his heirs and successors, from the said twenty fifth day of December one thousand seven hundred and twenty three, until the twenty fifth day of December, which will be in the year of our Lord one thousand seven hundred and twenty five inclusive.

Additional duties further continued to 25 Dec. 1725.

III. And be it further enacted by the authority aforesaid, That for the better levying and collecting the several rates and duties hereby granted and continued to his Majesty, all and every the rules, directions, powers, and authorities, relating to brewers making their beer and ale, and distillers distilling of strong waters, and all penalties and forfeitures arising thereby and therefrom, given and granted in and by the before mentioned act passed in the fourth year of his Majesty's reign, intituled, *An act for continuing to his Majesty an additional duty on all wines and strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine, and also a tax on all salaries, profits of imployments, fees, and pensions therein mentioned, and for granting a further additional duty on ale, beer, and strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine, and for securing the repayment of fifty thousand pounds sterling, formerly advanced unto his Majesty for the use of the publick, together with the interest thereof*, which were to continue from the twenty first day of November one thousand seven hundred and seventeen, until the twenty first day of November one thousand seven hundred and nineteen inclusive, and which were further granted and continued from the said twenty first day of November one thousand seven hundred and nineteen until the twenty fifth day of December one thousand seven hundred and twenty one inclusive, by the before mentioned act passed in this kingdom in the fifth year of his Majesty's reign, and which were further granted and continued from the said twenty fifth day of December one thousand seven hundred and twenty one, until the twenty fifth day of December one thousand seven hundred and twenty three inclusive, by the before mentioned act passed in the last sessions of this present Parliament, shall be and continue in full force to all intents and purposes, from the said twenty fifth day of December one thousand seven hundred and twenty three until the twenty fifth day of December, which will be in the year of our Lord one thousand seven hundred and twenty five inclusive.

4 G. 1. 2.

IV. And be it further enacted by the authority aforesaid, That the several additional rates and duties upon all coffee, tea, chocolate, and cocoa-nuts, granted by the before mentioned act passed in this kingdom in the fifth year of his Majesty's reign, intituled, *An act for continuing to his Majesty the additional duties on beer, ale, strong waters, tobacco, and other goods and merchandizes, and also on all sorts of wines, strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine; and also a tax on all salaries, profits of imployments, fees, and pensions therein mentioned; and for continuing the further additional duty on ale, beer, and strong waters and spirits perfectly made, and upon spirits made and distilled of wine; and for granting*

6 G. 1. 4.

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granting an additional duty on malefs, treacle, tea, coffee, chocolate, and cocoa-nuts; and for ſecuring the re-payment of fifty thouſand pounds ſterling, formerly advanced unto his Majeſty for the uſe of the publick, together with the intereſt thereof, from the firſt day of September one thouſand ſeven hundred and nineteen until the twenty fifth day of December one thouſand ſeven hundred and twenty one inclusive, and which were further granted by the before mentioned act paſſed the laſt ſeſſion of this preſent Parliament from the twenty fifth day of December one thouſand ſeven hundred and twenty one until the twenty fifth day of December one thouſand ſeven hundred and twenty three inclusive, be further granted, and continued, levied raiſed, and paid, to his Majeſty, his heirs and ſucceſſors, from the ſaid twenty fifth day of December one thouſand ſeven hundred and twenty three until the twenty fifth day of December one thouſand ſeven hundred and twenty five inclusive.

V. And be it further enacted by the authority aforeſaid, That the ſaid additional rates and duties on coffee, tea, chocolate, and cocoa-nuts, and all money ariſing thereby, ſhall be paid to the truſtees appointed for the management of the hempen and flaxen manufactures of this kingdom, to be by them applied to encourage and ſupport the ſaid manufactures, and the trade thereof, in this kingdom.

VI. And be it further enacted by the authority aforeſaid, That all and every the ſeveral and reſpective additional duties, hereby granted and continued, ſhall be raiſed, anſwered, collected, and paid, unto his Majeſty, his heirs and ſucceſſors, during the term aforeſaid, at the ſame time, in like manner, and by ſuch ways, means, and methods, and by ſuch rules and directions, and under ſuch penalties and forfeitures, and with ſuch powers as are appointed, directed, and expreſſed in and by an act made in this kingdom in the fourteenth year of the reign of King Charles the ſecond, intituled, *An act for the ſettling of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted,* or by any other law now in force relating to the revenue or exciſe in this kingdom, as fully and effectually to all intents and purpoſes as if the ſame were particularly mentioned, expreſſed, and enacted again in the body of this preſent act; with like remedy of appeal to and for the party grieved as in and by the ſaid act of exciſe is provided.

14 & 15 C. 2. 8.

VII. And be it further enacted by the authority aforeſaid, That all and every perſon and perſons having upon the twenty fifth day of December one thouſand ſeven hundred and twenty three, or who ſhall have at any time from and after the ſaid twenty fifth day of December one thouſand ſeven hundred and twenty three, until the twenty fifth day of December one thouſand ſeven hundred and twenty five inclusive, any office, ſallaries, profits of employments, fees, and penſions, upon the civil or military eſtabliſhments in this kingdom, ſhall pay unto his Majeſty, his heirs and ſucceſſors, the full ſum of four ſhillings out of every twenty ſhillings a year, which he, ſhe, or they, do or ſhall receive or be intitled unto by reaſon of ſuch office, ſallaries, profits of employments, fees, and penſions, unleſs ſuch perſon or perſons do and ſhall live and actually reſide within this kingdom for and during the ſpace of ſix kalendar months at leaſt in each of the ſaid years; which ſaid tax or duty of four ſhillings *ſterling* out of every twenty ſhillings a year as aforeſaid ſhall be ſtopped and deducted yearly, during the time and term aforeſaid, by the vice-treaſurer, pay-maſter, and receiver-general of his Majeſty's revenues, and be accounted for to his Majeſty, his heirs and ſucceſſors.

VIII. Provided always, and it is hereby declared, That this act ſhall not extend to charge the ſaid tax or duty of four ſhillings *ſterling* a year on every twenty ſhillings as aforeſaid upon the ſalary, penſion, fees, or profits of employment, payable to the lord lieutenant, or other chief governor or governors of this kingdom for the time being; or the ſallaries, fees, penſions, pay, or profit of employment, payable to any perſon or perſons, who ſhall by his or their offices and employments be obliged to an immediate attendance upon the perſons of his ſacred Majeſty, or their royal Highneſſes the prince and princeſs of Wales, or their iſſue, during the continuance in ſuch their reſpective offices and employments; or to the

pay of the officers of the army, or half-pay officers, upon the eſtabliſhment of this kingdom.

IX. And be it further enacted by the authority aforeſaid, That the ſix pence *per* pound, and all other fees, which ſhall or may be payable to the vice-treaſurer, receiver, or pay-maſter-general of this kingdom, for, or on account of, or out of, the aids granted unto his Majeſty this preſent ſeſſion of Parliament, ſhall be received by the ſaid vice-treaſurer, receiver, or pay-maſter general, for the uſe of his Majeſty, his heirs or ſucceſſors, and ſhall be duly accounted for by him or them to his Majeſty, his heirs and ſucceſſors, as a further and additional aid hereby given and granted.

X. And be it further enacted by the authority aforeſaid, That the additional pay of one penny *per diem* to each effective private ſoldier of the foot, directed by his Majeſty's letter of the ſeventeenth day of April one thouſand ſeven hundred and twenty two, purſuant to an addreſs of the houſe of commons, and alſo the additional pay of four pence *per diem* advanced to each private trooper of the horſe; and of two pence *per diem* to each private dragoon, be paid at all times hereafter to each effective private ſoldier of the foot, and to each effective trooper and private dragoon reſpectively, without any deduction on account of poundage to the vice-treaſurer, pells, hoſpital money, or any other deduction whatſoever, out of their arrears, ſubſiſtance, or cloathing money.

XI. And whereas his Majeſty's faithful commons in the firſt ſeſſion of this preſent Parliament, the better to enable his Majeſty to provide for the defence and ſafety of this his Majeſty's kingdom, did reſolve, That whatever ſums of money ſhould be advanced and paid into his Majeſty's treaſury by any perſon or perſons at the inſtance of their excellencies the then lords juſtices, or other chief governour or governours of this kingdom for the time being, for the defence thereof, ſhould be made good with legal intereſt for the ſame out of ſuch aids, as ſhould be granted to his Majeſty the then next ſeſſion of Parliament: and whereas for the better ſecuring of ſuch ſum or ſums as ſhould be ſo advanced, it is provided by an act paſſed the firſt ſeſſion of this Parliament, intituled, *An act for continuing to his Majeſty the additional duty on beer, ale, ſtrong waters, tobacco, and other goods and merchandizes*, that ſuch ſum or ſums of money, as ſhould be ſo advanced and paid into his Majeſty's treaſury, ſhould be repaid unto ſuch perſon or perſons, as ſhould lend or advance the ſame, his or their executors, adminiſtrators, or aſſigns, with legal intereſt, out of the next aids to be granted by Parliament, without any deduction: and whereas the ſum of fifty thouſand pounds hath been advanced and paid into his Majeſty's treaſury in purſuance of the ſaid reſolution and act of Parliament, which debt ſtill remains due and unſatisfied: be it further enacted by the authority aforeſaid, That ſuch perſon or perſons, who have advanced or paid into his Majeſty's treaſury any ſum or ſums of money, being part of the ſaid principal ſum of fifty thouſand pounds, their executors, adminiſtrators, or aſſigns, ſhall continue to have and receive, and be well and truly paid at the receipt of his Majeſty's Exchequer, by the hands of the vice-treaſurer or pay-maſter general, his or their deputy or deputies, every ſix months the intereſt of the reſpective ſum or ſums of money, ſo by them advanced, at the rate of eight pounds *per cent. per annum*, until the twenty fifth of March one thouſand ſeven hundred and twenty four; and from and after the ſaid twenty fifth of March at the rate of ſeven pounds *per cent. per annum*, without fee or charge, during the time the ſaid principal ſum of fifty thouſand pounds, or any part thereof, ſhall continue unpaid, and free from all manner of deductions, defalcations, and abatements whatſoever, out of ſuch his Majeſty's treaſure or revenue as ſhall come to his or their hands, until they are reſpectively paid and ſatisfied the reſpective principal ſums, ſo by them paid and advanced as aforeſaid; and if any part of the ſaid principal ſum of fifty thouſand pounds ſhall be due and unpaid on the twenty fifth day of December, which will be in the year of our Lord one thouſand ſeven hundred and twenty five, the ſame ſhall be well and truly ſatisfied and paid unto the ſeveral and reſpective perſons, their executors, adminiſtrators, or

2 G. 1. 7.

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aſſigns reſpectively, to whom the ſame ſhall be then due, together with ſuch legal intereſt for the ſame, at the rate of ſeven pounds *per cent.* as aforeſaid, as ſhall be then in arrear, without any deduction, defalcation, or abatement, for or on account of polls, poundage, or other fees, charges, or deductions whatſoever.

XII. Provided nevertheleſs, if any ſubſcriber or ſubſcribers to the ſaid ſum of fifty thouſand pounds, or his or their executors, adminiſtrators, or aſſigns, ſhall refuſe to take or accept for the money by him or them advanced ſeven pounds *per cent.* intereſt from the twenty fifth day of March, which will be in the year of our Lord one thouſand ſeven hundred and twenty four, that then upon ſuch ſubſcriber or ſubſcribers, his or their executors, adminiſtrators, or aſſigns, transferring his or their ſubſcription or ſubſcriptions, and the whole benefit thereof, to the vice-treaſurer, or his deputy; ſuch ſubſcriber or ſubſcribers, his or their executors, adminiſtrators, or aſſigns, ſhall have and receive the money due to them upon ſuch ſubſcription from the ſaid vice-treaſurer or his deputy; which ſubſcription, ſo transferred to the ſaid vice-treaſurer or his deputy, may be again aſſigned by him to any perſon or perſons who ſhall advance the ſum due upon ſuch ſubſcription or ſubſcriptions at ſeven pounds *per cent.* intereſt; any thing herein contained to the contrary notwithſtanding.

XIII. And be it further enacted by the authority aforeſaid, That the ſeveral ſums hereafter mentioned and appointed be paid out of the aforeſaid additional duties and aids, granted and continued to his Majeſty by this preſent act, to the perſons hereafter mentioned: (that is to ſay) a ſum of one thouſand pounds *ſterling* to Thomas Burgh, eſquire, as an incouragement for inventing and publiſhing a new method of aſcertaining the contents of any ſurvey, which will prevent the errors the preſent methods are liable to; and alſo that the ſum of two thouſand pounds *ſterling* be advanced and paid to the ſubſcribers for making the river Liffy navigable, towards carrying on and compleating the works on the ſaid river, and making the ſame navigable; ſecurity being firſt given by mortgaging the intereſt of the ſaid ſubſcribers to the receiver-general or his deputy for the time being, for ſecuring the re-payment of the ſaid ſum of two thouſand pounds out of the moyety of the clear profits of the ſaid navigation; and alſo the ſum of fifteen hundred pounds *ſterling* to the truſtees of the linnen manufacture, towards building a linnen-hall; and likewiſe that the further ſum of two thouſand pounds *per annum*, during the ſpace of two years, be paid to the truſtees of the linnen manufacture, to encourage the raiſing ſufficient quantities of hemp and flax in this kingdom; and alſo that a ſum not exceeding one thouſand pounds *ſterling* be given to be applied to the building a chappel in a convenient place, for the uſe of the officers and ſoldiers quartered in the barracks of Dublin, to be paid to ſuch perſon or perſons as his Majeſty, or the chief governour or governours of this kingdom for the time being, ſhall appoint to receive the ſame; and alſo the ſum of three hundred pounds *ſterling* to Matthew Pennefather eſquire, accomptant-general, as a reward for his expence and trouble in preparing and ſtating the publick accounts of the nation laid before the houſe of commons this ſeſſion of Parliament; alſo the ſum of three hundred pounds *ſterling* to Bruen Worthington, and two hundred pounds *ſterling* to Iſaac Ambroſe, clerks of the houſe of commons, as rewards for their reſpective attendance and ſervices this ſeſſion of Parliament; and the further ſum of two hundred pounds *ſterling* to the ſaid Bruen Worthington and Iſaac Ambroſe, as a recompence for their extraordinary expence in preparing copies of the publick accounts for the members of the houſe of commons; and alſo the ſum of two hundred pounds *ſterling* to John Kerr, clerk aſſiſtant; three hundred pounds *ſterling* to Richard Povey, ſerjeant at arms for his attendance on the houſe of commons; two hundred and fifty pounds *ſterling* to William Bayley and Henry Buckley, the clerks attending the committee of accounts and other committees, to be equally divided between them; eighty pounds *ſterling* to John Fieldhouſe and John Molloy, door-keepers of the houſe of commons, to be equally divided between them; which ſaid ſeveral ſums

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mentioned ſums are given to the ſaid ſeveral perſons as rewards for their ſaid ſeveral ſervices, attendances, and expences, this ſeſſion of Parliament; all which ſaid ſeveral ſums are to be paid by the vice-treaſurer or receiver-general of this kingdom without any further or other warrant to be ſued for, had, or obtained in that behalf. A. D. 1723.

CHAP. II.

An act for amending the ſeveral laws now in force for encouraging the hempen and flaxen manufactures in this kingdom, and for the further improvement thereof.

FOR amending the laws relating to the hempen and flaxen manufactures, and preventing frauds and abuſes therein: be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the twenty fifth day of March, which ſhall be in the year of our Lord one thouſand ſeven hundred and twenty four, all flaxen or hempen cloths, made of high white yarn within this kingdom, ſhall be lapped, made up, marked, ſealed, and ſtamped, by the ſame perſons in like manner, and upon payment of the like fees, and under the ſame penalties, as well in reſpect to the lapper, who ſhall ſtamp any ſuch flaxen or hempen cloths, as of the perſon who ſhall ſell or expoſe the ſame to ſale; to be ſued for, recovered, and levied by the ſame ways or means, as in and by an act of Parliament made in the ſixth year of the reign of his preſent Majeſty, intituled, *An act for the better regulating the buying and ſelling of yarn and cloth, and further improving the hempen and flaxen manufacture of this kingdom*, relating to ſtamping and ſealing bleached linen, are directed and appointed; and that if any perſon or perſons ſhall counterfeit the ſaid ſeal or ſtamp, being thereof lawfully convicted, he and they ſhall incur and be ſubject to the ſame pains, penalties, and puniſhments, as in and by the ſaid recited act are inflicted on any perſon, who ſhall counterfeit the ſeal or ſtamp, thereby directed to be ſet or fixed to places of bleached linen cloth. Repealed 19 G. 2. 6. 6 G. 1. 7.

II. And be it further enacted by the authority aforeſaid, That from and after the ſaid twenty fifth day of March, which ſhall be in the year of our Lord one thouſand ſeven hundred and twenty four, if any bleached cloth or cloths made of high white yarn ſhall be found in the ſhop, ware-houſe, or poſſeſſion of any trader or dealer, or reputed trader or dealer, in linen cloth, lapped, but not ſealed, and ſtamped according to the ſaid recited ſtatute, he or they, in whoſe cuſtody the ſame ſhall be found, ſhall forfeit the ſum of five ſhillings for each piece of cloth not ſealed or ſtamped as aforeſaid.

III. And be it further enacted by the authority aforeſaid, That from and after the ſaid twenty fifth day of March, which ſhall be in the year of our Lord one thouſand ſeven hundred and twenty four, no unbleached cloths, called green cloths, ſhall be brought to any market or fair, or ſhall be ſold or expoſed to ſale, otherwiſe than in the folds, and no ways tied; and if any perſon or perſons from and after the ſaid twenty fifth day of March ſhall bring any ſuch unbleached cloths to any market or fair, or ſhall there ſell or expoſe the ſame to ſale, he or they ſhall for ſuch his offence forfeit the ſum of one ſhilling for every piece of ſuch cloth, ſo by him or them brought to ſuch market or fair, or there ſold or expoſed to ſale as aforeſaid.

IV. And be it enacted by the authority aforeſaid, That from and after the ſaid twenty fifth day of March no felon, convicted according to the courſe of the laws and ſtatutes of this kingdom of ſtealing of flaxen and hempen yarn or cloth,

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9 Anne 6.

or other flaxen or hempen manufacture above the value of five shillings the yard out of any bleach-yard, bulk-house, or work-house thereunto belonging, whether the fact be committed by day or by night, shall in all cases deprive the offender of the benefit of clergy, or of the act of Parliament passed in the ninth year of the reign of our late Majesty Queen Anne, intituled, *An act for taking away the benefit of clergy in certain cases; and for taking away the book in all cases; and for repealing part of the statute for transporting felons*; any law, usage, or custom, to the contrary notwithstanding.

V. And be it further enacted by the authority aforesaid, That if any bleacher or bleachers of hempen or flaxen cloth or yarn for hire or reward from and after the said twenty fifth day of March shall neglect to bleach such cloth or yarn within the time and in the manner contracted for, or shall wilfully do any damage to such cloth or yarn, or shall commit any frauds or abuses in bleaching the same; such bleacher or bleachers shall for every such offence forfeit and pay to the party aggrieved any sum not less than two shillings and six pence, nor more than five pounds; to be recovered in manner hereafter mentioned and directed; and likewise that it shall and may be lawful to and for all and singular the weavers of linen cloth within this kingdom to run one coarse thread at the end of his piece of cloth, sufficient to denote the number of hundreds contained in the said cloth, and likewise near unto the same one other coarse thread sufficient to denote the number of beers contained in the said cloth, without regard from thenceforth to be had what colour the said thread is of.

VI. And be it further enacted by the authority aforesaid, That when any justice of the peace or chief magistrate shall condemn or adjudge any linen cloth brought before him, to be forfeited for not being made pursuant to the laws and statutes in force in this kingdom, such justice of the peace, or chief magistrate, before he shall deliver the same to the informer, shall and may order and cause such cloth to be cut and severed into three equal parts.

VII. And be it further enacted by the authority aforesaid, That all linen weavers, who shall have before the twenty fifth day of March in the year of our Lord one thousand seven hundred and twenty four actually followed the trade and mystery of weaving linen cloth, shall be discharged of and from all penalties and forfeitures whatsoever by him or them incurred on or before the said five and twentieth day of March, which shall be in the year of our Lord one thousand seven hundred and twenty four, for and upon account of his or their having exercised the said art or mystery of weaving linnen cloth, not having served his or their apprenticeship to the trade of weaving flaxen cloth for the space of five years, and not having wrought at the flaxen trade as a journeyman for the space of two years, by virtue of an act of Parliament made in the eighth year of the reign of her late majesty Queen Anne, intituled, *An act to amend the defects of such acts as have been made relating to the hempen and flaxen manufacture, and to encourage the further improvement thereof.*

8 Anne 12.

VIII. And be it enacted by the authority aforesaid, That if any person or persons, not having served as an apprentice or apprentices for the space of four years at least in the trade or mystery of linen weaving, shall from and after the said five and twentieth day of March, which shall be in the year of our Lord one thousand seven hundred and twenty four, set up for him or themselves, and keep a loom and work at the same as a weaver or weavers of linen cloth, every such person for such offence shall forfeit the sum of five pounds.

IX. And be it further enacted by the authority aforesaid, That no looms, spinning-wheels, reels, and hatchels, which the trustees for encouraging the hempen and flaxen manufactures in this kingdom shall lend, or cause to be lent, to any person or persons for carrying on the said manufactures, or either of them, being sealed and branded with the seal or mark appointed or used by the said trustees for that purpose, shall be subject to be distrained for rent, hearth-money, or on any other account whatsoever, or to be seized or taken in execution, or by virtue

virtue of any meſne proceſs iſſuing out of any court, by any ſheriff, bailiff, or other perſon or perſons whatſoever.

X. And whereas all methods hitherto uſed have proved ineffectual to oblige the people of this kingdom to reel and divide their yarn in a regular and fair manner: be it enacted by the authority aforeſaid, That from and after the firſt day of November one thouſand ſeven hundred and twenty four, during the term and time of three years from thence next following, and from thence to the end of the then next ſeſſion of Parliament, all reeled linen yarn, which ſhall be found in the cuſtody or poſſeſſion of any ſpinner, maker, or reeler of linnen yarn, or of any perſon in truſt for them, or any of them, or for his or their benefit, which ſhall not be reeled and made up according to the directions of the acts of Parliament in this kingdom for that purpoſe made, ſhall be ſubject and liable to the like ſeizure, forfeiture, and condemnation, as if the ſame had been actually expoſed to ſale.

XI. And be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for any perſon or perſons in the fairs and markets of this kingdom to make uſe of ſcales and weights, but not ouncels, in order to diſtinguiſh and aſcertain the ſort or denomination of yarn reeled ſtatutably, whether the ſame be of this or that dozen to the pound; any law or ſtatute to the contrary notwithſtanding.

XII. And be it enacted by the authority aforeſaid, That if any perſon or perſons ſhall be convicted on any indictment for unlawfully taking or reſcuing linnen-cloth or yarn out of the cuſtody or poſſeſſion of any perſon or perſons, who had ſeized the ſame for being unſtatutable, or not purſuant to the laws and ſtatutes in force in this kingdom, the judges or juſtices of the peace, before whom ſuch indictment ſhall be tried, ſhall and may by examination of witneſſes, and all other lawful means, enquire of the value of the cloth, or yarn ſo taken or reſcued from the perſon, who had ſeized the ſame as aforeſaid, ſuch judges or juſtices reſpectively, after impoſing ſuch fine as they ſhall judge proper, ſhall and may, and are hereby required to make an order directed to the conſtables of the ſaid county, to levy the ſame by diſtreſs and ſale of the goods and chattles of the perſon ſo convicted, returning the overplus, if any ſhall be; and in caſe ſufficient diſtreſs cannot be found to ſatisfie the ſame, then to apprehend the body of ſuch perſon ſo convicted, and deliver him to the keeper of the houſe of correction, there to remain without bail or mainpriſe for the ſpace of ſix months, and to be kept to hard labour, and whipt once a week, unleſs he ſooner pays the ſum mentioned in ſuch warrant.

XIII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the truſtees of the flaxen and hempen manufactures of this kingdom, or any five or more of them, to adminiſter an oath to ſuch perſon or perſons, as ſhall complain unto them againſt any itinerant man, hemp or flax-man, or other perſon or perſons employed by the ſaid truſtees in the execution of their ſaid truſt; and likewiſe to tender and adminiſter an oath to the witneſſes on either ſide produced, in order to the ſaid truſtees, or any five or more of them, making a determination upon the matter of ſuch complaint; and alſo, that it ſhall and may be lawful to and for the ſaid truſtees, or any five or more of them, on hearing the matter of ſuch complaint, to impoſe a fine on ſuch perſon or perſons imployed by them according to their diſcretion, ſo as the ſame exceed not for any one offence the ſum of forty ſhillings; to be applied to the uſe of the party or parties complaining; and in caſe ſuch fine be not paid by the ſaid offender at a time to be appointed by the ſaid truſtees, or any five or more of them, then the ſaid offender may be ſent to the houſe of correction, by warrant under the hands and ſeals of the ſaid truſtees, or any five or more of them, there to be kept without bail or mainprize at hard labour for any time not exceeding one kalendar month.

XIV. And

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XIV. And be it further enacted by the authority aforeſaid, That all offences againſt this act ſhall be heard and finally determined by any one juſtice or juſtices of the peace, or chief magiſtrate, within their reſpective juriſdictions, who, upon complaint to him or them made, ſhall upon examination of witneſſes upon oath, (which oath they are reſpectively hereby impowered to adminiſter,) adjudge and determine the ſame, and iſſue his or their warrant to one or more of the conſtables of the ſaid county, city, or town, thereby impowering him or them by diſtreſs and ſale of the offenders goods (the overplus whereof ſhall be rendered to the owners) to levy the reſpective penalties on them incurred; which, when levied, ſhall belong and be paid to the informer, or ſuch other perſon or perſons, as are herein before particularly mentioned to be entitled to the ſame reſpectively, firſt deducting thereout the ſum of one ſhilling, to be paid to the conſtable for executing ſuch warrant.

5 *Anne* 3. XV. And whereas by an act paſſed in the ninth year of the reign of her late Majeſty Queen Anne, intituled, *An act to enforce ſuch acts, as have been made for the improvement of the linnen manufacture, and for a further regulation of the ſame*, an additional duty of one ſhilling and ſix pence *per* yard was laid upon all white, painted, and ſtained callicoes, and ſix pence *per* yard upon all linnens, which ſhould be imported into this kingdom at any time within the ſpace of ſeven years, commencing from the end of the then next ſeſſion of Parliament, and from the expiration of the ſaid term of ſeven years to the end of the next ſeſſion of Parliament enſuing; which duty was further continued by an act paſſed in the ſecond year of his Majeſty's reign, intituled, *An act for continuing the encouragement given by former acts of Parliament to the flaxen and hempen manufactures, and for the further improvement and regulation of the ſame*, during the remainder of the ſaid firſt term of ſeven years, and alſo during the further term of ſeven years, from the expiration of the former term of ſeven years, and from thence to the end of the ſeſſion of Parliament then next following, and is fit to be continued: be it further enacted by the authority aforeſaid, That the ſaid additional rate or duty of one ſhilling and ſix pence for every yard of ſuch white, painted, and ſtained callicoe, and ſix pence for every yard of any ſort of linnen, ſhall be and continue due and payable to his Majeſty, his heirs and ſucceſſors, for all ſuch white, painted, and ſtained callicoes and linnen, which ſhall be imported into this kingdom, (except it be of the growth or manufacture of Great-Britain) for and during the term of ſeven years, to be computed from the twenty fifth day of December in the year of our Lord one thouſand ſeven hundred and twenty three, and from thence to the end of the ſeſſion of Parliament then next following; which ſaid duties ſhall be applied to the uſes and for the encouragement of the hempen and flaxen manufactures in this kingdom, and be ſubject to the diſpoſal, order, and management of the truſtees appointed for encouraging the hempen and flaxen manufactures of this kingdom.

2 *G.* 1. 13. *Sect.* 3. XVI. And whereas by the ſaid laſt recited act made in the ſecond year of his preſent Majeſty's reign, it is among other things enacted, "That any perſon or perſons, who ſhould export out of this kingdom any good ſail cloth, "well and ſufficienty made, to any parts beyond the ſeas, at any time within the "ſpace of ten years next after the twenty fourth day of December one thouſand ſeven hundred and ſixteen, ſhould receive as a premium for every yard of "ſail cloth, made of ſound and good hemp of ten pence *per* yard value, and under fourteen pence *per* yard, or upwards, ſo exported, the ſum of two pence; "for every yard of main ſail or courſe canvas made of Holland duck, of the "value of fourteen pence *per* yard or upwards, ſo exported, the ſum of four "pence *ſterl.* and after the expiration of the term of ten years, that from thence "during the further term of eleven years, any perſon or perſons ſo exporting ſuch "ſail cloth ſhould receive as a premium for every yard of ſuch ſail cloth of ten "pence *per* yard value, and under fourteen pence ſo exported, the ſum of one "penny;

"penny; and for every yard of ſuch main ſail or courſe canvas made in imi-
"tation of Holland duck, of the value of fourteen pence *per* yard, or upwards,
"ſo exported, the ſum of two pence *ſterl.* to be paid by ſuch officer or offi-
"cers, and in ſuch manner as drawbacks are uſually paid; the exporter of ſuch
"cloth, or any other perſon or perſons, firſt making oath, that the ſaid cloth
"is according to the beſt of his knowledge and belief made of hemp of the
"growth of this kingdom, and that ſuch ſail-cloth was never before exported,
"nor any debenture iſſued out, or premium paid for the ſame," which ſaid act has not hitherto been ſufficient to encourage the ſetting up and eſtabliſhing the hempen manufacture in this kingdom: be it enacted by the authority aforeſaid, That the ſaid premium of two pence for the cheaper, and four pence for main ſail, canvas, which by the ſaid former act were given for the term of ten years, ſhall be and are hereby continued for eight years longer, to be computed from the end and determination of the ſaid recited term of ten years; and that the ſaid recited term of eleven years, for which the ſaid premiums of one penny for the cheaper ſort, and two pence for main ſail canvas were given, ſhall commence from the end and determination of the ſaid eight years, and continue from thence for and during the term of eleven years; ſubject nevertheleſs to the ſame rules, limitations, reſtrictions, and directions, as in and by the ſaid ſtatute of the ſecond year of his preſent Majeſty's reign are mentioned, directed, and expreſſed.

XVII. And be it further enacted by the authority aforeſaid, That any perſon or perſons, who ſhall hereafter make, or cauſe to be made, any ſail-cloth of Iriſh hemp into any main ſails or top ſails for the uſe or furniture of any ſhip or ſhips, upon the making ſuch oath as is mentioned in the ſaid ſtatute of the ſecond year of the reign of his preſent Majeſty, and upon a further affidavit of the ſail-maker, to be made before the ſame officer, before whom the ſaid other oath is to be taken, who is hereby impowered to adminiſter an oath for that purpoſe, of his having cut and made ſuch ſail-cloth into ſails, ſhall have, be paid, and be intitled unto the like premiums, and to be paid in like manner for each yard of ſuch ſail cloth, as by the ſaid act of the ſecond year of his preſent Majeſty, and hereby, is granted, directed, and appointed, for ſail-cloth exported.

XVIII. And be it enacted by the authority aforeſaid, That at the time of pulling the female or ſhe hemp, no male hemp ſhall be pulled therewith, or mixed one with the other, either in watering, dreſſing, or for ſale, under the penalty of five ſhillings *per* hundred weight, and ſo in proportion for any greater or leſſer quantity, to be paid by the owner or owners of ſuch hemp; and no hemp ſhall be watered or ſteeped in bogs or moſs-pits, but in loughs or pools drawn from rivers or brooks, and there to remain until ſufficiently watered, and not laid or ſpread on graſs, or abroad, any longer time than to dry, and make the ſame fit to ſtack or houſe, in ſuch manner as the perſon or perſons, appointed for that purpoſe by the ſaid truſtees of the hempen and flaxen manufactures of this kingdom, ſhall appoint or approve of, under the like penalty of five ſhillings *per* hundred weight, and ſo in proportion for any greater or leſſer quantity; to be recovered by civil bill to the uſe of the informer.

XIX. And whereas the buſineſs of the ſaid truſtees and of their clerk is of late very much encreaſed: be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid truſtees, or any five or more of them, to order and allow the ſaid clerk, officiating by himſelf and not by a deputy, any further ſum or increaſe of ſalary not exceeding one hundred pounds *per annum*, as they ſhall think meet:

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CHAP. III.

An Act for continuing and amending an act, intituled, An act for the better regulating the parish-watches, and amending the high ways in this kingdom; and for the preventing the misapplication of publick money: and also for establishing a regular watch in the city of Dublin; and to prevent mischiefs which may happen by graving ships in the river Liffy.

WHEREAS the keeping a ſtrong and regular watch in the night time, in the ſeveral cities, burroughs, towns corporate, pariſhes, and other places in the ſeveral counties of this kingdom, is of great importance for the preſervation of the perſons and properties of the inhabitants within the ſame, and will be the moſt likely means to prevent murders, burglaries, robberies, felonies, and other outragious miſdemeanors, which are committed in the night time within the ſaid cities, burroughs, towns corporate, and other places, more frequently than heretofore: and whereas an act made for prevention of ſuch diſorders, and paſſed in this Parliament in the ſixth year of his Majeſty's reign, intituled, *An act for the better regulating of pariſh watches, and amending the high ways in this kingdom: and for preventing the miſapplication of publick money*, hath been found to be of great advantage to this kingdom, and was continued by one other act made in the eighth year of his Majeſty's reign, which is near expiring; be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid act, and all and every clauſe, article, and proviſo therein contained, ſo far as the ſame relates to any county, counties of cities, burroughs, towns corporate, and other places in the ſeveral counties in this kingdom, other than what relates to and may concern the pariſh-watches of the city of Dublin, and liberties of the ſaid city, and liberties thereto adjoining, ſhall continue and be in full force for ever.

6 G. 1. 10. continued by 8 G. 1. 10. and near expiring, made perpetual, ſave as to pariſh-watches of Dublin and the liberties.

Neceſſity of a ſtrong regular watch in Dublin and the liberties.

II. And whereas, by reaſon of the great concourſe of people from all parts of this kingdom to the city of Dublin, it is abſolutely neceſſary, That a ſtrong and regular watch ſhould every night be kept within every pariſh of the ſaid city and liberties thereof and thereto adjoining: to the end therefore that ſuch watch may for ever hereafter be kept in the night time within the ſaid city and liberties, be it enacted by the authority aforeſaid, That on the third Sunday in February in every year notice ſhall be given in each pariſh-church of the ſaid city and liberties by the miniſter, who

On 3d Sunday in February yearly, notice of veſtry

who ſhall officiate in the ſaid pariſh-church, that on ſome certain day in the following week a veſtry or meeting of the pariſhioners will be held in order to ſettle the watch in that pariſh; at which day of meeting the pariſhioners, or the major part of them, ſo aſſembled, ſhall nominate nine of the pariſhioners of the ſaid pariſh of good ſubſtance to be ſupervifors and directors of the ſaid watches; who, or any five of them, ſhall, within fourteen days after their being ſo choſen, by writing under their hands aſcertain the number of watch-houſes, conſtables, and watch-men, fit and proper to be kept in ſuch pariſh or pariſhes reſpectively, from the twenty fifth day of March then next enſuing for and until the twenty fifth day of March in the year following, and at what places and ſtands it is fit for the ſaid watch-houſes, conſtables, and watchmen to be placed, and how often it is fit for them to go the rounds, how the watchmen ſhall be armed, and what wages or ſalaries are reaſonable to be allowed each watchman for their attendance, and ſhall make and publiſh ſuch further rules and orders for the better regulating the conſtables and watchmen of ſuch pariſh, as to them, or any five of them, ſhall ſeem reaſonable for the better regulating the watch of ſuch pariſh; and ſhall alſo from time to time nominate and appoint for watchmen ſuch perſons, who ſhall in their judgment not only be honeſt men and proteſtants, but able of body and fit to be entruſted to do the ſaid ſervice; which perſons, ſo nominated by them as aforeſaid, ſhall be the watchmen of the ſaid pariſh or pariſhes reſpectively; and in caſe any of the ſaid ſupervifors or directors, ſo nominated and appointed, ſhall refuſe to act, or after accepting ſuch office ſhall dye, or remove out of the ſaid pariſh, upon notice given thereof to the miniſter or curate of the ſaid pariſh ſuch miniſter or curate ſhall and is hereby required on the next Sunday after ſuch notice to publiſh and declare, that on ſome certain day in the following week a veſtry or meeting of the pariſhioners will be held, in order to elect one or more perſon or perſons in the room or ſtead of him or them, who ſhall ſo refuſe to act, or ſhall dye, or quit the ſaid pariſh; and the pariſhioners ſhall and are hereby required at ſuch veſtry or meeting of the pariſhioners, to be appointed for that purpoſe, to name one or more of the pariſhioners of good ſubſtance in the room or place of ſuch perſon or perſons ſo refuſing to act, or that ſhall dye, or leave the ſaid pariſh, to the intent that the number of nine of the ſaid pariſhioners ſhall be always ready to make ſuch appointment of watchmen, and ſuch rules and regulations, in manner as herein and hereby is directed and appointed; which rules and regulations ſo to be made by the ſaid directors and overſeers, or any five of them, in each reſpective pariſh

In next week ſhall be given in each pariſh church of Dublin and liberties, majority of pariſhioners to name 9 of good ſubſtance, ſupervifors.

5 of whom in 14 days ſhall by writing aſcertain number of watch-houſes, &c. for 1 year from 25 March; and the ſtands, rounds, arms and wages, and to make rules, and appoint honeſt able proteſtants watchmen.

On any ſupervifor's refuſal to act, death or removal, on notice the miniſter next Sunday to publiſh a veſtry, when pariſhioners ſhall name another, ſo that 9 ſhall be always ready.

The rules ſhall be obſerved by con-

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parish as aforesaid, shall be the rules, orders, and regulations to be observed by the several constables and watchmen in such parishes, and shall be printed together with the names of such constables and watchmen, and publickly posted up in each watch-house, and on the door thereof, one of which shall also be returned to the lord mayor for the time being, to the end he may thereby be enabled to punish the said constables and watchmen for neglect of his or their duty, and not conforming to the said rules and orders; and in case any of the said watchmen so nominated or appointed shall dye, or be removed, or quit such service, the said supervisors or directors of the watch, or any five of them, shall and are hereby required upon notice given them thereof by the constables of the said parish, or any of them, within ten days after such notice to name one or more watchman or watchmen in the stead or place of him or them so dying, removed, or quitting such service, to the end the number of watchmen may be always kept compleat and full.

Constables and watchmen, and with their names printed and posted in each watch-house, and on the door;

Note to be returned to lord mayor, to punish for neglect.

If watchmen dye, &c. supervisors in 10 days after notice by constables shall name others.

III. And be it further enacted by the authority aforesaid, That the said watchmen in the night time shall be under the controul and inspection of the said supervisors or directors of the watch, and the constables of the respective parishes, which said constables in their turns are hereby required to set and place their watch at ten of the clock in the night exactly, and to continue their watch till six in the morning, from Michaelmas day until Lady day, and from Lady day until Michaelmas day in every year at eleven a clock, and to continue their watch till five in the morning: and in case any constable or deputy, whose turn it is to take care of the watch, shall be guilty of any neglect therein, such constable or deputy shall for every such offence forfeit the sum of ten shillings, to be levied by distress and sale of the offenders goods by warrant under the hand and seal of some justice of the peace, returning the overplus, if any shall be, and shall be applied in manner, as herein after is mentioned and directed, with relation to the penalties inflicted upon constables for other neglects of their duty.

Constables in turn shall set their watch at 10 till 6, from Michaelmas: at 11 till 5, from Lady day.

Penalty on constable for neglect 10 s. by distress on warrant.

IV. And to the intent that good and sufficient housekeepers may from time to time be appointed constables, and such persons, when chosen, may be obliged to act and do their duty; be it further enacted by the authority aforesaid, That the church-wardens and parishioners of each parish shall, and they are hereby required to, assemble every year on Tuesday in Easter-week at the hour of eleven a clock in the morning in the church or vestry-room of such parish, and then and there the said church-wardens and parishioners, or the major part of them, so assembled, shall elect and chuse a sufficient number of fit and able persons inhabiting

Church-wardens, &c. on Easter Tuesday yearly, to meet at 11, and chuse constables, housekeepers in the parish: their names returned in 6 days to lord mayor,

habiting within the ſaid pariſh, who ſhall be houſekeepers in the pariſhes where choſen, to be conſtables for one year from the firſt of June in each year; the names of which perſons ſo elected ſhall by the church-wardens of each reſpective pariſh, within ſix days after ſuch election, be returned to the lord mayor of the city of Dublin for the time being, who is hereby required to ſwear ſuch perſon or perſons ſo elected into the ſaid office of conſtable on or before the ſaid firſt of June in each year, if ſome reaſonable cauſe is not aſſigned, to be allowed of by the ſaid lord mayor and two of the aldermen, for not doing thereof, and in ſuch caſe as ſoon after as conveniently the ſame may be done, in caſe he and they ſhall ſee no ſufficient reaſon to diſapprove the ſaid perſons, or any of them, whoſe names ſhall be ſo returned; and in caſe any perſon or perſons, who ſhall be named or choſen, in manner as is hereby directed, to be conſtable or conſtables, ſhall be diſapproved of as aforeſaid, then upon notice given to the miniſter or curate and church-wardens of ſuch pariſh by the lord mayor for the time being, the ſaid miniſter or curate ſhall, on the next Sunday after ſuch notice publiſh in church, that there will be a meeting of the church-wardens and pariſhioners on ſome day in the following week for the election of a conſtable; which ſaid church-wardens and pariſhioners are hereby required to meet on the ſaid day, and then and there they, or the major part of them, ſo aſſembled ſhall elect and return one or more perſon or perſons, fit to ſerve in the ſaid office, in the ſtead or place of him or them ſo diſapproved of, to the ſaid lord mayor for the time being, and ſo *toties quoties* until fit and proper perſons ſhall be ſo approved of for conſtables; and in caſe any of the ſaid conſtables ſo approved of ſhall, before he or they ſhall be ſworn into ſuch office, or after they have been ſworn and taken ſuch office upon them, dye or quit ſuch pariſh, or be otherwiſe rendered incapable of ſervice, then and in ſuch caſes upon notice given thereof by the ſaid ſupervifors or directors of the watch to the miniſter or curate and church-wardens of ſuch pariſh, the ſaid miniſter or curate, ſhall on the next Sunday after ſuch notice publiſh in church, that there will be a meeting of the church-wardens and pariſhioners on ſome day in the following week for the election of a conſtable; which ſaid church-wardens and pariſhioners are hereby required to meet on the ſaid day, who, or the major part of them, ſo aſſembled ſhall return one or more perſon or perſons to ſerve in the ſaid office or offices in the ſtead or place of him or them ſo dying, or ſhall quit ſuch pariſh, or ſhall be otherwiſe rendred incapable to ſerve, to the ſaid lord mayor for the time being, and ſo *toties quoties*, till a fit perſon be approved of, who after ſuch approbation

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and ſworn,

unleſs on reaſonable cauſe allowed by lord mayor and 2 aldermen;

if diſapproved of, and notice thereof to the miniſter, church-wardens, *&c.* ſhall elect others and return to lord mayor, and ſo *toties quoties*. 3 G. 2. 13. *altered*.

on notice by ſupervifors of conſtables dying, *&c.* church-wardens, *&c.* ſhall next week meet, and elect and return others as aforeſaid.

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bation as aforesaid shall be sworn into the said office by the lord mayor for the time being, within the time herein before directed, or within ten days after such approbation; and in case any person so elected, returned, and approved of for constable, shall not appear upon a summons in writing left at his house within three days after such notice, or in case he doth appear, and shall refuse to take the oath of office of constable to act therein by himself, or to find a sufficient deputy, who shall be an inhabitant and live within the said parish, and be also approved of by the lord mayor of the said city for the time being as aforesaid, such person or persons not appearing, or so refusing to act, or find a sufficient deputy to be approved of as aforesaid, shall forfeit the sum of five pounds, to be levied by warrant of distress under the hand and seal of the lord mayor of the said city, and sale of the goods of the person so offending, rendring the overplus to the owner; which forfeiture, when levied, shall be paid to the supervisors or directors of the watch, and go to and be applied for the finding a deputy to be chosen by the major part of the parishioners of the parish assembled for that purpose, and to be approved of by the lord mayor for the time being as aforesaid.

such constables not appearing, or refusing to act, or find sufficient deputy,

penalty 5 l.

to supervisors, for a deputy chosen by parishioners and approved by lord mayor.

V. Provided always, That no person or persons keeping publick inns, ale-houses, or houses of entertainment, or papists, shall be qualified to act in their persons as constables; but in case any such shall be chosen in their turn to serve as constables as aforesaid, such person or persons so chosen shall find some fit person or persons, who shall be protestants, to serve in his or their room, to be approved of by the lord mayor, and two of the aldermen as aforesaid, or pay as a fine a sum not exceeding the sum of five pounds respectively, to be ascertained by the lord mayor for the time being, to enable the parishioners, or the major part of them assembled for that purpose, to find a fit person in the stead of each of them, who shall be so chosen to serve as constables; which sums shall be levied and recovered by distress and sale of the offenders goods in manner aforesaid, and be applied as aforesaid.

Papists, innkeepers, &c. not qualified,

if chosen, shall find protestants to serve,

or pay, not above 5 l. towards finding another.

VI. Provided also, That no person or persons shall be obliged to serve or fine, who are of the degree of an esquire, or above, or half-pay Officers, or such who are aldermen, deputy-aldermen, or have served as one of the sheriffs of the said city, or paid a fine for not serving in the said office as sheriff.

Esquires, half-pay officers, aldermen, &c. not obliged thereto.

VII. And be it further enacted by the authority aforesaid, That every constable, who shall be so sworn into the said office, shall leave with the lord mayor of the city of Dublin a memorandum in writing of the house or place, he dwells or resides at, within the said parish: and to the intent the inhabitants may also know

Constable to leave with lord mayor memorandum of residence;

his

his and their place of reſidence, every ſuch conſtable ſhall nail up in view at their reſpective doors a ſhort conſtable-ſtaff, or paint the figure of ſuch ſtaff, againſt the houſe they inhabit; and in caſe any ſuch conſtable ſhall neglect or refuſe ſo to do, every ſuch conſtable ſhall forfeit the ſum of forty ſhillings, to be levied by warrant of diſtreſs, under the hand and ſeal of the lord mayor of the ſaid city for the time being, and ſale of the goods of the perſons ſo offending, rendring the overplus to the owner; which forfeiture, when levied, ſhall go to and be applied, one moiety to the uſe of the informer, the other moiety to the uſe of the poor of the pariſh, where ſuch conſtable reſides and inhabits.

and nail or paint a ſhort ſtaff at his houſe: Penalty 40s. to the poor and informer.

VIII. And be it further enacted by the authority aforeſaid, That the conſtables of every pariſh reſpectively, the morning after he or they come off the watch, ſhall make a return ſigned by them reſpectively to the lord mayor of the ſaid city, and alſo to the ſaid ſuperviſors or directors of the watch, of the behaviour of the ſeveral watchmen, and the condition of the watch the night before, with the names of thoſe that abſented themſelves, when the watch was ſett, and how long each watchman continued on the watch, and whether any of the ſaid watchmen loſt their poles or lanthorns, or were drunk, to the end ſatisfaction may be made to the pariſh out of the ſalary or wages of ſuch watchmen, and that they may be puniſhed for neglect of duty; as alſo return to the ſaid lord mayor for the time being the names of ſuch perſons, as they ſhall reſpectively take into their cuſtody for any irregularities, and how ſuch priſoners were diſpoſed of, upon forfeiture of ten ſhillings for ſuch neglect, to be recovered in manner as is herein before directed, and to be diſpoſed of, one moiety to the uſe of the informer, the other moiety to the poor of the pariſh.

Conſtables to make return of behaviour and condition of the watch, and of priſoners, on pain of 10 s.

Watchmen for neglect ſhall make ſatisfaction out of wages.

IX. And to the intent that a ſufficient ſuport and maintenance may be had for the watchmen, and likewiſe that watch-coats, ſtaves, lanthorns, and neceſſary fire and candle for the aforeſaid purpoſe of watching, may be provided for every and each of them: be it enacted by the authority aforeſaid, That all and every the houſes within the ſaid city of Dublin, and liberties thereof, ſhall pay and are hereby charged with the ſum of ſix pence for every pound of the yearly value of every ſuch houſe or houſes, as the valuations are returned for the collection of miniſters money; and where there is no valuation for the miniſter, and until a valuation ſhall be had, the ſaid houſes ſhall pay ſix pence in the pound according to the rent payable by the tenants in poſſeſſion; and in caſe ſuch rent is only a ground rent, then according to that rent the ſaid houſe might reaſonably ſet for to a ſolvent

Every houſe ſhall pay 6 *d.* *per l.* of the yearly value, as the miniſter's money valued, *&c.*

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vent tenant; ſuch rent to be aſcertained by four of the pariſhioners, to be named by the church-wardens; which ſaid ſix pence *per* pound, ſhall from and after the ſaid twenty fifth day of March one thouſand ſeven hundred and twenty four be a charge upon the inhabitants of every ſuch houſe or houſes, and ſhall be levied, raiſed, and accounted for by the church-wardens of the reſpective pariſhes, and in places *extra parochial* by the church-wardens of the adjoining pariſh, at ſuch time, in ſuch manner, with ſuch powers, and under ſuch penalties, as the miniſters money in the ſaid city is levied by a ſtatute made in this kingdom in the ſeventeenth and eighteenth years of the reign of King Charles the ſecond, intituled, *An act for proviſion of miniſters in cities, corporate towns, and making the church of Saint Andrew's in the city of Dublin preſentative for ever*: and ſhall be by them reſpectively paid and applied to the ſeveral uſes the ſame is payable by virtue of this act; which charge of ſix pence in the pound on the ſeveral houſes in the ſaid city and liberties aforeſaid ſhall and is hereby declared to be a diſcharge to the ſeveral houſekeepers of the ſaid city from watching in perſon, or ſending an able perſon to watch in his, her, or their ſtead; any law, cuſtom, or uſage, to the contrary notwithſtanding.

and levied by church-wardens,

as by 17 & 18 *C.* 2. 7.

Said charge a diſcharge to the houſe-keepers from watching in perſon or ſending.

X. Provided always, That in caſe any of the ſaid houſes within the ſaid city of Dublin, and liberties thereof, which have heretofore been valued purſuant to the aforeſaid ſtatute made in the ſeventeenth and eighteenth years of the reign of King Charles the ſecond, ſhall really and *bona fide*, without fine or other conſideration (ſave the rent reſerved) be ſet or let at a leſs rent, than ſuch houſe or houſes are reſpectively valued at by the valuation returned for the collection of miniſters money; then and in ſuch caſe ſuch houſe or houſes ſhall be only charegable with the payment of ſix pence in the pound according to the rent payable by the tenants in poſſeſſion, and not according to the valuation ſo returned as aforeſaid; any thing herein contained to the contrary notwithſtanding.

Houſes, without fine, &c. let at leſs rent than the valuation by 17 and 18 *C.* 2. 7. chargeable only according to rent payable.

XI. And to the intent the rent payable by the tenant or tenants in poſſeſſion of ſuch houſe or houſes may be truly known, be it further enacted by the authority aforeſaid, That ſuch tenant in poſſeſſion claiming the benefit of ſuch allowance ſhall, before the ſame be ſo allowed, make affidavit before the lord mayor, or ſome other of the juſtices of the peace of the ſaid city, of the rent he really and *bona fide* pays, and whether any fine or other conſideration was paid or given upon obtaining ſuch leaſe.

Tenant in poſſeſſion, making affidavit of the rent really paid, and whether a fine, &c.

XII. And be it further enacted by the authority aforeſaid, That the church-wardens of the ſaid ſeveral and reſpective pariſhes ſhall at the end of every ſix months lay before the ſuperviſors or directors

Church-wardens every ſix months ſhall account on oath to ſuperviſors for

directors of the watch, or any five of them, upon oath, an account of the produce of the ſaid reſpective ſums of money charged as aforeſaid, and by them received, and pay the ſame into the hands of ſuch perſon or perſons as by the ſaid ſupervifors or directors, or any five of them, ſhall be nominated and appointed; and the ſaid ſupervifors and directors ſhall apply the ſame to the ſeveral uſes by this act directed and appointed; and the ſaid ſupervifors or directors ſhall every year cauſe their accounts to be fairly tranſcribed and entered in the veſtry-book of the ſaid pariſh; and in caſe ſuch church-warden or church-wardens ſhall forſwear himſelf or themſelves in giving in ſuch account, and be thereof lawfully convicted, he or they ſhall incur the ſame penalties, as a perſon convicted of wilful perjury at common law.

the ſums received;

Supervifors ſhall yearly enter accounts in veſtry book.

Church-wardens puniſhable for perjury, as at common law.

XIII. And be it further enacted by the authority aforeſaid, That if any watchman ſhall quit his ſtation allotted to him, or ſhall in any other reſpect abſent himſelf from his duty, or fail therein contrary to the ſaid rules, without ſome reaſonable cauſe for ſo doing, to be allowed of by the lord-mayor for the time being, or ſome other juſtice of the peace of the ſaid city, to whom complaint ſhall be made, or ſhall go into any ale-houſe or cellar to drink, or be found drunk on the watch, ſuch watchman or watchmen reſpectively ſhall, upon due proof thereof to be made before ſuch lord-mayor or juſtice of the peace by the oath of one or more credible witneſs or witneſſes (which oath the ſaid lord-mayor or juſtice of the peace is hereby impowered to adminiſter) for each offence forfeit the ſum of five ſhillings, to be deducted out of his or their ſalary or wages; which ſum ſhall go to ſuch perſon or perſons, who ſhall inform, or otherwiſe ſuch offender ſhall be publickly whipt at the diſcretion of the ſaid lord-mayor or juſtice of the peace, who ſhall thereupon iſſue a warrant under his hand and ſeal for that purpoſe: and in caſe any conſtable or conſtables ſhall neglect or fail in his or their duty contrary to this act, or to ſuch rules or orders as ſhall be made by the ſupervifors or directors of ſuch pariſh reſpectively, without ſome reaſonable cauſe for ſo doing, to be allowed of by the lord-mayor, ſuch conſtable or conſtables ſhall reſpectively forfeit the ſum of twenty ſhillings, to be levied by diſtreſs and ſale of the goods of the conſtable or conſtables ſo offending, by warrant under the hand and ſeal of the ſaid lord-mayor as aforeſaid; which ſum when levied ſhall be paid to the informer.

Watchman failing in duty, going to ale-houſe, or drunk on watch, forfeits 5 s. to informer, or to be whipt.

Conſtable failing forfeits 20 s. to informer.

XIV. And be it further enacted by the authority aforeſaid, That in caſe it ſhall be found neceſſary, that more watch-houſes ſhould be erected in any pariſh, than are at preſent eſtabliſhed, the grand jury for the county of the city of Dublin ſhall at their quarter-ſeſſions raiſe ſuch ſum or ſums of money for erecting ſuch watch-

If more watch-houſes neceſſary, grand jury for Dublin ſhall raiſe money at ſeſſions on the pariſhioners.

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watch-houſe or watch-houſes, as by them ſhall be thought reaſonable, to be raiſed and levied upon the pariſhioners of their reſpective pariſhes, where ſuch watch-houſe or watch-houſes ſhall be ſo erected.

Church-wardens diſcharged from the 6 d. *per* pound.

XV. Provided always, That the church-wardens of each pariſh within the ſaid city of Dublin ſhall be diſcharged, during the time of their continuance in ſuch their office, from payment of the ſaid ſum of ſix pence *per* pound charged on their reſpective houſes, in which they dwell; and alſo, that no perſon ſhall be obliged to ſerve as conſtable by virtue of this act in the ſame pariſh, wherein he hath formerly ſerved as conſtable; any thing herein before contained to the contrary notwithſtanding.

none obliged to ſerve as conſtable in ſame pariſh where he formerly ſerved.

11 G. 2. 13. *extended to liberties of St. Patrick's Cloſe.*

XVI. And for the better regulating the watches within the reſpective mannors or liberties of Saint Sepulchre's, Thomas-court, and Donore, be it enacted by the authority aforeſaid, That from and after the twenty fifth day of March, which ſhall be in the year of our Lord one thouſand ſeven hundred and twenty four, the ſeveral inhabitants within the ſaid liberties, who are able and fit to watch, or to find watchmen, ſhall in their reſpective turns in perſon, or by ſome other ſufficient perſon to be ſent or appointed by them, whoſe turn it is to watch, keep watch and ward within the ſaid reſpective liberties wherein he, ſhe, or they, ſhall inhabit or reſide; and that the conſtables of ſuch mannor or liberties reſpectively ſhall in the month of February in every year make and return upon oath a full, true, and perfect liſt of all ſuch inhabitants within the ſaid ſeveral and reſpective mannors or liberties to the regiſter of the court-leet of ſuch reſpective mannors; which perſons ſo returned ſhall be the perſons to keep watch and ward within the ſaid mannors or liberties reſpectively from the twenty fifth day of March for one year from thence next enſuing, in ſuch order as the ſaid perſons are named in ſuch returns, and in ſuch numbers for each night as the reſpective ſeneſchals or their deputies by writing under their hands and ſeals reſpectively ſhall from time to time limit and appoint; and that the conſtable on the morning of the day before his watch-night, or ſome perſon by him appointed, who can make affidavit of the ſervice, do warn every perſon, that is to watch with him that night, or leave notice thereof in writing at the houſe of every ſuch perſon; which watch ſhall be ſet and placed by the conſtable from the twenty fifth day of March to the twenty ninth day of September at the hour of eleven every night, and continue till five in the morning; and from the twenty ninth of September to the twenty fifth of March in every year from the hour of ten to the hour of ſix in the morning, during which time the conſtable ſhall ſtay and continue with his watchmen; and in caſe

In *The Liberties* the inhabitants ſhall keep watch and ward in turn;

and conſtables in February yearly ſhall return on oath a liſt to regiſter of court-leet of all inhabitants; who, in order as named, ſhall watch for one year as ſeneſchal appoints.

Conſtable in the morning ſhall warn the perſons to watch;

and ſet the watch at 11 till 5, from 25 March: from 10 till 6, from 29 Sept. and ſtay with them.

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case any constable shall make default in returning the names of such inhabitants and house-keepers, who are able and fit to watch, or to find watchmen; such constable shall forfeit the sum of five pounds; and in case he shall make default in any other of the premisses, such constable shall forfeit the sum of twenty shillings; and if any person appointed and warned to watch, or to find an able and fit person to watch in his or her stead as aforesaid, shall refuse or make default to watch, or to find an able and fit person to watch in his or her stead as aforesaid; then every such person refusing or making default to watch as aforesaid, and not having just and reasonable cause for such his default, to be allowed by the respective seneschals of such mannor or liberty where such default shall be made, or their deputies, shall forfeit and pay for every such offence a sum not exceeding one shilling, at the discretion of such seneschal or his deputy; and if any person, appointed and warned to watch, shall appear at the respective hours hereby directed and appointed in person, or by an able and fit person to watch in his or her stead, and after appearing such person shall quit the station allotted him, or absent himself from his duty, without some reasonable cause for his so doing, to be allowed of by the seneschal or his deputy of the mannor or liberty, where such default is made, or shall go into any alehouse or cellar to drink, or be found drunk upon the watch, every person so offending shall forfeit a sum not exceeding five shillings, or be publickly whipt, at the discretion of the said seneschal or his deputy: all which forfeitures hereby forfeited by the said constables, inhabitants, or housekeepers as aforesaid, and watchmen, within the said mannors or liberties, shall respectively be recovered before the seneschal, or his deputy, of such mannor or liberty, where the offence shall be committed, upon proof thereof made before such seneschal or his deputy by the oath of one or more witness or witnesses, which oath the said seneschal or his deputy is hereby impowered to administer; and, in case of conviction, the same to be levied by warrant of distress under the hand and seal of such seneschal, or his deputy, and sale of the goods of the person so offending, rendring the overplus to the owner; which forfeitures, when levied, shall go to and be applied in providing able and sufficient watchmen, to watch in the stead or place of such as shall absent themselves, to the end the number of the watchmen in the said liberties respectively may be each night compleat.

Constable not returning names forfeits 5 l. for other default 20 s.

Persons warned refusing to watch, or to find one, without just cause allowed by seneschal, penalty 1 s. each offence:

quitting station, absent without just cause, going to ale-house, or found drunk, penalty 5 s. or to be whipt.

All said forfeitures before seneschal,

levied by distress,

applied to keep the number of watchmen in the liberties compleat.

XVII. And whereas, great numbers of idle and vagrant persons do daily resort from the country to the city of Dublin and suburbs thereof, who, by reason of the correspondence they generally keep with the beadles of the several parishes, and the neglect of such

Neglect of beadles in permitting beggars in Dublin.

1 G. 2. 27.
3 G. 2. 17.
23 G. 2. 11.

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Lord-mayor, &c. may make rules for beadles to clear the city, &c. of beggars, and inflict 10 s. for breach;

such beadles in the performance of their duty, are permitted to beg in and throughout this city; be it enacted by the authority aforesaid, That it shall and may be lawful for the lord-mayor of the city of Dublin, two aldermen, and one of the sheriffs, with in the said city, and liberties within the same, and from the respective seneschals of the said manors or liberties of Saint Sepulchre's, Thomas-court, and Donore, from time to time to make such rules, orders, and regulations, to be observed by the beadles of such parishes within their respective jurisdictions, for clearing the said city and suburbs, and liberties aforesaid, of rogues, idle, and vagrant beggars, and inflict pecuniary penalties, not exceeding ten shillings, for the breach of any such by-law, on such beadle; to be levied by distress and sale of the goods of the offender by warrant under the hand and seal of some justice of the peace within the said city, and liberties within the same, and of the respective seneschals of the said manors or liberties of Saint Sepulchre's, Thomas-court, and Donore, returning the overplus (if any shall be) and in default of payment and of sufficient distress, then such offender by like warrants respectively to be sent to the house of correction, to be kept at hard labour for such space of time, as shall be thought proper, not exceeding forty eight hours.

in default of payment and distress, may send to house of correction 48 hours.

XVIII. Provided nevertheless, That such rules or orders, to be made in pursuance hereof, be printed and posted up upon the door of the parish church of every parish, wherein the same are to take place, by the space of ten days before the same be put in execution.

Such rules printed and posted at door of the church, to take place in 10 days.

XIX. And whereas there is no regular method settled within the city of Dublin, and suburbs or liberties thereunto adjoyning, for applotting the money to be raised on the several parishes for paying the cesses and publick taxes charged on the said city and liberties: be it enacted by the authority aforesaid, That from and after the twenty fifth day of March in the year of our Lord one thousand seven hundred and twenty four at all meetings, to be held for all and every of the said parishes for applotting the parish-cesses and publick taxes laid in such parishes respectively, the church-wardens and parishioners of each parish respectively, being at least thirteen in number, or the greater part of them so assembled, shall make their applotments for the said cesses and publick taxes upon each and every inhabitant of the said parish or parishes according to the value of the houses of each inhabitant, as the same are valued to pay ministers money; and where there is no valuation for the minister, and until a valuation shall be had, such inhabitant shall pay according to the rent payable by the tenant in possession; and in case such a rent is only a ground-

For setling parish cesses in Dublin, church-wardens and parishioners, at least 13, or major part, shall applot cesses according to value of houses as to minister's money; or, if no valuation, to the rent paid; or, if only ground rent, such as might be paid by solvent tenant, ascertained by 4 parishioners.

rent, then according to the rent the ſaid houſe might reaſonably be ſet for to a ſolvent tenant; ſuch rent to be aſcertained by four of the pariſhioners to be named by the church-wardens; which money, ſo to be applotted, from and after the twenty fifth day of March one thouſand ſeven hundred and twenty four ſhall be a charge on the inhabitant of every ſuch houſe and houſes, and ſhall be levied, raiſed, and accounted for, by the conſtable or officers, that uſually collect and receive the ſame, in ſuch manner, and with ſuch powers, as the ſaid taxes have heretofore been levied and accounted for. A. D. 1723. Chap. 3.

XX. Provided always, That in caſe any of the ſaid houſes within the ſaid city of Dublin, and ſuburbs or liberties thereunto adjoining, which have heretofore been valued purſuant to the aforeſaid ſtatute made in the ſeventeenth and eighteenth years of the reign of King Charles the ſecond, ſhall really and *bona fide*, without fine or other conſideration (ſave the rent reſerved) be ſet or let at a leſs rent, than ſuch houſe or houſes are reſpectively valued at by the valuation returned for the collection of miniſters money; then and in ſuch caſe ſuch houſe or houſes ſhall be only chargeable according to the rent payable by the tenant in poſſeſſion, and not according to the valuation ſo returned as aforeſaid; any thing herein contained to the contrary notwithſtanding. Houſes, let without fine, &c. at leſs rent than the valuation by 17 & 18 C. 2. 7. chargeable only by the rent paid;

XXI. And that the rent, payable by the tenant or tenants in poſſeſſion of ſuch houſe or houſes, may be duly known, be it further enacted by the authority aforeſaid, That ſuch tenant in poſſeſſion, claiming the benefit of ſuch allowance, ſhall, before the ſame be ſo allowed, make affidavit before the lord-mayor, or ſome other juſtice of the peace, of the ſaid city, or within the ſaid liberties before the ſeneſchal of the liberty, where ſuch houſe is ſituated, of the rent he really and *bona fide* pays, and whether any fine or other conſideration was paid or given upon obtaining ſuch leaſe. Tenant making affidavit thereof.

XXII. Provided alſo, That nothing herein contained ſhall extend to exempt any lands or tenements within the ſaid pariſhes, or any of them, from payment of ſuch proportion of the ceſſes or publick taxes, as they are by law liable to; any thing herein contained to the contrary notwithſtanding. Not to exempt from payment of ſuch proportion as by law liable to.

XXIII. And whereas by the late improvement of the channel of the river Liffy, which flows through the city of Dublin, ſhips and gabbarts can now come up and lie in the ſaid river cloſe to the keys of the ſaid city, which are for the moſt part built and inhabited: and whereas at low water the ſailors on board ſuch ſhips do frequently make great fires of furz and other combuſtible materials cloſe to the ſaid keys, and near other ſhips lying Danger from graving ſhips in river Liffy. N. B. *it is doubtful on the ſeveral acts continuing this law, whether the following part be now*

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lying in the ſaid river to grave and careen their ſhips, to the apparent danger not only of the ſhips in the river, and the goods and merchandizes on board them, but alſo of the dwelling and houſes of the inhabitants of the ſaid city lying near the ſaid keys: for remedy whereof, be it enacted by the authority aforeſaid, That from and after the firſt day of March in the year of our Lord one thouſand ſeven hundred and twenty three no ſhipcarpenter, maſter, or ſailor belonging to any ſhip or ſhips, or any other perſon or perſons whatſoever, ſhall grave or careen any ſhip, gabbart, or boat, ſo as any fire be lighted about them, or any of them, to glaze their or any of their bottoms, or make any fire to boil or melt pitch, tarr, rozin, tallow, or other combuſtible materials for dreſſing any ſhip, gabbart, or boat, or for heating or burning any plank at any place in the ſaid river between the bridge, commonly called Bloody-bridge, and the Slipp, commonly called the Ferry-ſlipp, at the end of the key called the Batchelors-walk, and that from the ſaid Slipp called the Ferry-ſlipp, to the river called Dodeer *alias* Donebrook, no ſhip, gabbart, or boat, ſhall be careened or graved as aforeſaid at any place within thirty yards of any houſe, or other ſhip, gabbart, or boat lying at anchor, ſhips boats excepted, or any fire made to boil or melt any pitch, tarr, or any other combuſtible materials as aforeſaid, or for heating or burning plank at any place within ten yards of any houſe, ſhip, gabbart, or boat, lying at anchor as aforeſaid; and in caſe any perſon or perſons ſhall offend contrary thereto, it ſhall and may be lawful for any perſon with a conſtable to ſeize and apprehend ſuch offender or offenders, and to carry him or them before the lord-mayor, or ſome other juſtice of the peace for the ſaid city; and in caſe it ſhall appear before the ſaid lord-mayor or juſtice of the peace by the confeſſion of the party, or by the oath of one or more witneſs or witneſſes, which oath the ſaid lord-mayor or juſtice of the peace is hereby impowered to adminiſter, that the ſaid perſon or perſons have offended againſt this act, that then ſuch offender or offenders upon conviction ſhall for every ſuch offence forfeit the ſum of five pounds *ſterling*, one moiety to the uſe of the informer, the other moiety to the uſe of the poor of the pariſh: and in caſe ſuch offender or offenders ſhall refuſe to pay the ſaid forfeiture, that then and in ſuch caſe the ſaid offender or offenders ſhall by the ſaid lord-mayor or juſtice of the peace be committed to goal, there to remain till ſuch forfeiture or forfeitures be ſatisfied and paid: but, in caſe of inability to pay the ſame, the ſaid lord-mayor or juſtice may commit ſuch offender or offenders to the houſe of correction, there to be kept at hard labour for any time not exceeding ſeven days.

ſubſiſting: but as it is not clear that it is expired, it was thought proper not to make the diſtinction of character.

No ſhips, &c. ſhall be careened, ſo as any fire lighted, or pitch, &c. melted, between Bloody-bridge and Ferry-ſlip;

nor careened from Ferry-ſlip to river Dodeer, within 30 yards of any houſe or ſhip at anchor,

nor fire to melt pitch, &c. within ten yards.

Offender may be carried before lord-mayor or a juſtice; and on conviction forfeits 5 l. to the poor and informer: or committed to goal: if not able to pay, to houſe of correction 7 days.

XXIV. And

XXIV. And be it further enacted by the authority aforeſaid, That no maſter, or any other ſailor on board any ſhip, gabbart, or boat, lying in the ſaid river between the ſaid bridge called the Bloody-bridge and the ſaid river Dooder, *alias* Donebrook, ſhall make or keep any fire on board ſuch ſhip or gabbart for boiling their pots or kettles, or for any other uſe, except candle-light, unleſs ſuch ſhip or gabbart lye at leaſt twenty yards diſtance from the keys, where houſes are built, or ſhall hereafter be built; and in caſe any perſon ſhall offend herein, the maſter of ſuch ſhip or gabbart ſhall forfeit the ſum of forty ſhillings, to be recovered in manner as is before directed, and to be applied to the ſame uſe or uſes.

No fire, except candle-light, on board any ſhip, &c. unleſs lying 20 yards from the keys. Penalty on maſter 40*s.*

XXV. And be it further enacted by the authority aforeſaid, That whenever any ſhip, gabbart, or boat, ſhall by accident, decay, or otherwiſe, be ſunk in any part of the ſaid river from the ſaid Bloody-bridge to Rings-end, if the owners of ſuch ſhip, gabbart, or boat, do not remove them in ſix days after, the directors of the Ballaſt-office ſhall and are hereby obliged to remove ſuch ſhip, gabbart, or boat ſo ſunk, to clear the navigation of the ſaid river; and in caſe the owners of ſuch ſhip, gabbart, or boat, within ſix days after the ſaid ſhip, gabbart, or boat ſhall be ſo removed, ſhall neglect or refuſe to pay ſuch coſts and charges, as the ſaid Ballaſt-office ſhall be put to on account thereof, that then the ſaid directors of the Ballaſt-office ſhall and may ſell the ſame at publick cant to the higheſt bidder; which ſale ſhall be good and concluſive to all parties, and out of the money ariſing by ſuch ſale deduct the charge and expence, they ſhall be put to on account of removing ſuch ſhip, gabbart, or boat, rendring the overplus to the owner.

If ſhips, &c. ſunk in the river and not removed in ſix days, the Ballaſt-office ſhall remove them: and, if owners in ſix days pay not charges, may ſell by publick cant.

XXVI. And be it further enacted by the authority aforeſaid, That the directors of the Ballaſt-office ſhall on or before the twenty fourth day of June, which will be in the year of our Lord one thouſand ſeven hundred and twenty four, place good and ſubſtantial perches at due diſtances on both ſides of the channel between Rings-end point and Pole-begg, to direct ſhips and gabbarts coming up the river, and that the ballaſt-gabbarts ſhall not take up any ſand or gravel below Rings-end, but in the channel, to the end the channel may be made deeper, unleſs the directors of the Ballaſt-office ſhall ſee cauſe, that at particular times the ſand or gravel ſhould be taken up at other places, and then the ſame may be done by virtue of a ſpecial order in writing from the ſaid directors.

Perches ſhall be placed on both ſides between Rings-end and Pole-begg: Sand ſhall not be taken below Rings-end, but in the channel: unleſs by ſpecial order from Ballaſt-office.

XXVII. And it is hereby further enacted by the authority aforeſaid, That if any perſon or perſons ſhall be ſued, moleſted, or proſecuted, for any thing done by virtue of or in purſuance of

General iſſue may be pleaded, &c. and treble coſts recover-

A. D. 1723.

of this act, or any of the clauses therein contained, such perſon and perſons ſhall and may plead the general iſſue, and give this act and the ſpecial matter in evidence for his, her, or their defence; and if afterwards a verdict ſhall paſs for the defendant or defendants, or the plaintiff or plaintiffs ſhall diſcontinue his or their action, or be nonſuited, or judgment ſhall be given againſt him or them upon demurrer or otherwiſe, then ſuch defendant or defendants ſhall have treble coſts to him or them to be awarded againſt ſuch plaintiff or plaintiffs; for which ſuch defendant or defendants ſhall have like remedy, as in other caſes where coſts are given by law to defendants.

Pleaded by defendants.

Continuance, as to Dublin and Liberties only, 7 years, &c.

Continued by 3 G. 2. 3. 11 G. 2. 13. 19 G. 2. 15. 21 G. 2. 7. 23 G. 2. 8. & by 29 G. 2. 8. for 4 years, &c. ſo far as it relates to pariſh watches and highways. and by 1 G. 3. 17. revived and continued 7 years, &c. from 1 May 1762.

XXVIII. And be it enacted by the authority aforeſaid, That ſo much of this act, as relates only to the city of Dublin, and the liberties thereto adjoining, ſhall be in force for ſeven years from the firſt day of March in the year of our Lord one thouſand ſeven hundred and twenty three, and from thenceforth to the end of the then next ſeſſion of Parliament, and no longer.

CHAP. IV.

An act for continuing ſeveral temporary ſtatutes made in this kingdom, and now near expiring.

2 Anne 10. *continued to 21 Sept. 1731, &c.*

Further continued by ſeveral ſtatutes; and by 29. G. 2. 8. for 21 years, &c.

WHEREAS in the Parliament held at Dublin the twenty firſt day of September in the year of our Lord one thouſand ſeven hundred and three, in the ſecond year of the reign of our late Sovereign Lady Queen Anne, a certain act of Parliament was made and paſſed, intituled, *An act for the exchange of glebes belonging to churches in this kingdom*; which ſaid act was made to continue only for twenty one years, and is now near expiring, but, being found to be uſeful, is therefore fit to be continued: be it therefore enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid act, and all and every clauſe, article, and proviſoe therein contained, are hereby continued and ſhall be in full force to all intents and purpoſes, to the twenty firſt day of September, which ſhall be in the year of our Lord one thouſand ſeven hundred and thirty one, and from thence to the end of the then next ſeſſion of Parliament, and no longer.

4 G. 1. 7. continued 7 years, &c. as to barracks and light-houſes.

II. And whereas an act paſſed in the fourth year of his preſent Majeſty's reign, intituled, *An act for veſting in his Majeſty, his heirs and ſucceſſors, the ſeveral lands, tenements, and hereditaments, whereon the barracks in this kingdom are built, or building, or contracted for, and whereon light-houſes are or ſhall be built, and*

for

for making reaſonable ſatisfaction to the ſeveral owners and proprietors for the ſame; and likewiſe for amending an act made in the ſixth year of her late Majeſty's reign, intituled, *An act to prevent the diſorders that may happen by the marching of ſoldiers, and for providing carriages for the baggage of ſoldiers in their march*; by which act certain powers are given to the lord lieutenant, and other chief governor or governors of this kingdom for the time being, to iſſue commiſſions under the great ſeal of this kingdom, to be executed and returned within the ſpace of ſeven years from the twenty fifth day of December one thouſand ſeven hundred and ſeventeen, with divers other powers, authorities, regulations, and proviſions concerning barracks and light-houſes, and the building and erecting the ſame, and the lands whereon the ſame ſhould be built, and the making contracts for ſuch lands, and giving recompence to the owners thereof for the ſame: and whereas the ſaid act has in that reſpect been found uſeful, and to anſwer the ends propoſed thereby, and fit to be continued; be it enacted by the authority aforeſaid, That all the powers, authorities, regulations, and proviſions aforeſaid, and all and every article, clauſe, and proviſoe in the ſaid act contained concerning barracks and light-houſes, or either of them, ſhall continue in force from the twenty fifth day of December, which ſhall be in the year of our Lord one thouſand ſeven hundred and twenty four, for ſeven years, and from thence to the end of the then next ſeſſion of Parliament, and no longer.

A. D. 1723. Chap. 5. and by 31 G. 2. 9. to 25 March 1768, &c.

III. And whereas an act paſſed in this kingdom in the ſecond year of his preſent Majeſty's reign, intituled, *An act to make the militia of this kingdom more uſeful*; which ſaid act was continued by an act made in the ſixth year of his Majeſty's reign; and further continued by one other act, made in the laſt ſeſſion of this preſent Parliament, for two years from the twenty fifth day of December one thouſand ſeven hundred and twenty one, and from thence to the end of the then next ſeſſion of Parliament: and whereas an act paſſed in this kingdom in the eighth year of his preſent Majeſty's reign, intituled, *An Act to oblige ſhips coming from infected places more effectually to perform their quarantine; and for the better preventing the plague being brought from foreign parts into this kingdom*; which act was to continue in force from the firſt day of February one thouſand ſeven hundred and twenty one, and until the end of the next ſeſſion of Parliament: be it further enacted by the authority aforeſaid, That the ſaid two laſt mentioned acts, and all clauſes, proviſoes, and articles therein contained, ſhall continue and endure in force for two years, from the twenty fifth day of December in the year of our Lord one thouſand ſeven hundred and twenty three, and from thence to the end of the then next ſeſſion of Parliament, and no longer.

Militia. 2 G. 1. 9. continued by 6 G. 1. 3. & 8 G. 1. 6. further continued two years, &c. *and ſo far as not altered by* 19 G. 2. 9. *further continued* 10 *years, &c. by* 29 G. 2. 8.

Quarantine. 8 G. 1. 3. continued 2 years.

A. D. 1723. Chap. 5. *Wreck.* 4 G. 1. 4.

IV. And whereas an act paſſed in this kingdom in the fourth year of his preſent Majeſty's reign, intituled, *An act for the preſerving all ſuch ſhips and goods thereof, which ſhall happen to be forced on ſhore, or ſtranded upon the coaſts of this kingdom*; and whereas an act paſſed in this kingdom in the ſixth year of his preſent Majeſty's reign, intituled, *An act for the more effectual preventing the running of goods, and for the further preventing frauds committed in his Majeſty's cuſtoms*; the ſaid two acts being continued by an act paſſed in the eighth year of his preſent Majeſty's reign, to the twenty fifth day of December one thouſand ſeven hundred and twenty one, and from thence to the end of the then next ſeſſion of Parliament: and whereas the ſaid acts are found to be very uſeful for the benefit of trade and his Majeſty's cuſtoms, be it further enacted by the authority aforeſaid, That the ſaid two laſt mentioned acts, with all clauſes, articles, and proviſoes therein contained, ſhall continue and endure in force for ſeven years, from the twenty fifth day of December in the year of our Lord one thouſand ſeven hundred and twenty three, and from thence to the end of the then next ſeſſion of Parliament, and no longer.

Cuſtoms. & 6 G. 1. 8.

continued 7 years, &c.

2 *Anne*. 19.

V. And whereas by an act made in the ſecond year of the reign of her late Majeſty Queen Anne, intituled, *An act for erecting a work-houſe in the city of Dublin, for employing and maintaining the poor thereof*; amongſt divers other things in the ſaid act enacted, The lord mayor, recorder, and aldermen of the city of Dublin for the time being, or any ſeven of them, together with the reſpective ſeneſchals of the mannors of Saint Sepulchres, Thomas-court, and Donore, were impowered to licence all ſuch perſons, as ſhould drive and keep any hackney-coach or coaches, carts or carrs plying for hire, and brewers draws or carrs, or who ſhall keep or carry any chairs or ſedans in the ſaid city or liberties thereunto adjoining, ſo as the number of coaches ſo to be licenſed ſhould not exceed one hundred and fifty, and the number of ſedans or chairs the number of eighty; which licences were to be granted for the term of twenty one years, from the firſt day of May one thouſand ſeven hundred and four and no longer, under the reſpective annual ſums and rents therein and thereby made payable, as in and by the ſaid act is directed: and whereas by one other act paſſed in the ſixth year of his preſent Majeſty's reign, intituled, *An act for the more effectual amendment of the pavements of the ſeveral counties of cities, and counties of towns in this kingdom; and for preventing miſchiefs that may happen by fire in the city of Dublin; and for augmenting the number of hackney-coaches and chairs in the ſaid city*; amongſt divers other things in the ſaid act contained, The ſaid lord mayor, recorder, aldermen, and ſeneſchals, were further impowered to licence fifty more coaches and forty chairs, for and during the term of ſix years from the firſt day of May one thouſand ſeven hundred and nineteen and no longer, under the reſpective annual rents or ſums thereby made payable to the governors of the Blue-coat Hoſpital Dublin: and whereas the terms for which the ſaid licences are granted are near expiring, and it is neceſſary, ſuch coaches, ſedans, or chairs, carts, carrs, and draws, ſhould be continued under ſome rules and regulations, to prevent diſorders, and that the rents or annual ſums payable as aforeſaid ſhould continue to be paid, and made payable, in the ſame manner and to the ſame uſes, as the ſame were by the ſaid acts made payable: be it enacted by the authority aforeſaid, That the ſeveral licences

and 6 G. 1. 15.

The licences for hackney-coaches, &c. by ſaid acts granted, further continued from 1 May 1725, till end of the next ſeſſion after.

licences granted for the ſaid ſeveral hackney-coaches, ſedans, or chairs, carts, carrs, and draws, purſuant to the ſaid recited acts, be further continued from the firſt day of May, which ſhall be in the year of our Lord one thouſand ſeven hundred and twenty five, until the end of the next ſeſſion of Parliament after the ſaid firſt day of May one thouſand ſeven hundred and twenty five, at and under the ſame annual rents or ſums, and payable in the ſame manner, and to and for the ſame uſes, and under the ſame rules, regulations, penalties, orders, and directions, as the ſaid licenced coaches, ſedans, or chairs, carts, carrs, and draws, are now reſpectively ſubject and liable to by the ſaid recited acts, or any other act whatſoever.

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Said licences expired: but the yearly rents for coaches, &c. are revived 1 G. 2. 27. *and licences for 21 years from* 1 May 1728, *with different powers. which term is enlarged* 19 G. 2. 21.

CHAP. V.

An act for the further encouragment of finding and working mines and minerals within this kingdom.

WHEREAS by an act of Parliament made and enacted in the reign of the late Queen Anne, intituled, *An act to repeal the ſtatute made in the fifth of Henry the fourth, againſt multiplying gold and ſilver; and to prevent diſputes and controverſies concerning royal mines*; it was amongſt other things enacted, "That all and every perſon or perſons being ſubjects to the "crown of England, bodies politick or corporate, that then "were or thereafter ſhould be the owner or owners, proprietor "or proprietors, of any mine or mines within the kingdom of "Ireland, wherein any ore then was or thereafter ſhould be diſ-"covered, opened, found, or wrought, and in which there was "copper, tin, iron, or lead, ſhould and might hold and enjoy "the ſame mine or mines and ore, and continue in the poſſeſſi-"on thereof, and digg and work the ſaid mine or mines or ore, "notwithſtanding that ſuch mine or mines, or ore, ſhould be pre-"tended or claimed to be a royal mine or royal mines, any law, "uſage, or cuſtom to the contrary notwithſtanding:" and whereas the ſaid act has not had the full and deſired effect, although many mines and minerals have ſince the paſſing the ſame been found out and diſcovered in this kingdom, ſome whereof have been wrought to the great advantage of the publick, and many others, though found, have not been wrought, by reaſon of the legal incapacities the perſon or perſons lie under, in whoſe eſtate or eſtates the ſaid mines or minerals are ſo diſcovered: and whereas the working of all ſuch mines and minerals as are already diſcovered, or which ſhall hereafter be diſcovered, will be greatly for the benefit and advantage of the nation, by not letting the riches thereof lie buried in the earth, and will alſo tend very much not only to the imploying poor and indigent, but alſo idle, looſe, and diſſolute perſons, who for want of imployment become a burthen to the nation; for remedy whereof, be it enacted by

15 G. 2. 10. *extended to coal mines.*
23 G. 2. 9. *explained, &c.*
25 G. 2. 10. *power to make roads from mines to rivers.*
29 G. 2. 12. *againſt unlawful combinations.*

Recital of 4 *Anne* 12. 3.

Mines not wrought from legal incapacities of perſons where diſcovered.

Diſadvantage thereof to the nation.

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by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the five and twentieth day of March, which ſhall be in the year of our Lord one thouſand ſeven hundred and twenty four, it ſhall and may be lawful to and for all archbiſhops and biſhops, deans, deans and chapters, arch-deacons, prebendaries, and other dignitaries eccleſiaſtical, parſons, rectors, vicars, and to and for all bodies politick and corporate, colleges, cathedral or collegiate churches and hoſpitals, and to and for all and every perſon or perſons whatſoever, who now are, or at any time hereafter ſhall be, tenant or tenants for life, with an immediate remainder to his or her firſt and every other ſon in tail male; and alſo to and for all and every perſon and perſons, who now are, or at any time hereafter ſhall be, tenant in dower, or by the curteſie, by and with the conſent and concurrence of ſuch perſon and perſons as ſhall be ſeized in reverſion or remainder of an eſtate of an inheritance of and in any mines, herein after mentioned, immediately expectant upon the death of ſuch tenant in dower, or by the curteſie; or in caſe of the nonage, ideocy, or lunacy of ſuch perſon ſo ſeized in reverſion or remainder, then with and by the conſent of the guardian or guardians of ſuch minor, or the committee of ſuch ideot or lunatick, by and with the approbation of the lord chancellor, lord keeper, or commiſſioners of the great ſeal of this kingdom for the time being, in the ſaid caſes of nonage, ideocy, or lunacy, by indentures under their reſpective hands and ſeals, wherof counterparts are to be duly executed by the reſpective leſſees, to make and grant leaſes not exceeding the term of thirty one years, of all mines and minerals whatſoever, which are already found, or ſhall or may hereafter be found, and diſcovered within their reſpective manors, glebes, or lands; ſo as the ſame be made to commence in poſſeſſion, without any fine or income, or any other conſideration than the yearly rent in ſuch leaſe or leaſes reſerved and mentioned; and ſo as the moſt improved rent, that can be reaſonably gotten for the ſame, be reſerved upon every ſuch leaſe; and that ſuch rent be not leſs in value than one tenth part or ſhare of the ore to be dugg and raiſed out of ſuch mines or minerals, without any regard had to the charges and expences in digging, raiſing, and laying the ſame on the bank; and ſo as ſuch rent ſhall be reſerved and made payable in and by ſuch leaſes to ſuch leſſor and leſſors, or ſuch other perſon and perſons as ſhould from time to time, during the continuance of ſuch leaſe, have been actually intitled by the laws of this kingdom to the benefit of ſuch mines and minerals, in caſe this act had not been made.

Biſhops, &c. colleges, hoſpitals, tenants for life remainder to firſt, &c. ſon in tail, in dower, or by courteſy. with conſent of reverſioner, may make leaſes of mines for 31 years,

to commence in poſſeſſion, without fine, &c.

at the moſt improved rent,

not leſs than one tenth of the ore, without regard to digging, &c.

reſerved to leſſor, &c.

II. Provided

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II. Provided always, That where any ſuch leaſe ſhall be made by any tenant for life not diſpuniſhable of waſte, with immediate remainders to his or her firſt and every other ſon in taile, two fifth parts of the yearly rent to be reſerved thereupon ſhall be be made payable to the tenant for life, and the other three fifth parts of ſuch rent to the perſon and perſons in remainder, in whom the inheritance of the mines comprized in ſuch leaſe ſhall from time to time happen to be veſted, during the time ſuch inheritance ſhall continue veſted in him and them reſpectively.

Two fifths of the rent to tenant for life not diſpuniſhable of waſte: the other 3 to thoſe in remainder in whom inheritance.

III. And whereas it may happen, that ſuch tenants for life, tenants in dower, or by the curteſie, may be infants, ideots, or lunaticks: be it therefore enacted by the authority aforeſaid, That in all and every ſuch caſe and caſes it ſhall and may be lawful for all guardians, truſtees, and committees, of and for ſuch infants, ideots, and lunaticks, by and with the conſent of the lord chancellor of this kingdom, or lord keeper, or commiſſioners of the great ſeal for the time being, to grant and make leaſes, not exceeding the term of thirty one years, of all mines and minerals whatſoever, as are or ſhall be found in the mannors, lands, and tenements of ſuch infants, ideots, or lunaticks, for the ſaid term of thirty one years, ſo as ſuch rent be reſerved as aforeſaid, and ſo as ſuch conſent be had, and all the other directions and reſtrictions herein before mentioned be obſerved in the making ſuch leaſes.

Guardians and committees with conſent of lord chancellor may make ſuch leaſes for infants, ideots, or lunaticks.

IV. And whereas many proprietors of lands in this kingdom for the improvement thereof, and for encouraging improving tenants, have ſett their lands in fee-farm, and for leaſes for lives renewable for ever, or for a long term for years, with an exception of mines or minerals in ſuch fee-farms or leaſes: be it enacted by the authority aforeſaid, That all and every perſon and perſons, to whom the rent upon ſuch fee-farms, or the immediate reverſion in fee ſimple or fee tail expectant on ſuch leaſe or leaſes, do or ſhall belong, ſhall have full power and authority to open, digg, and work all mines or minerals, which ſhall or may be had or found in or upon the ſaid lands, and to raiſe and carry away the ore thereof, or to demiſe the ſame for thirty one years as aforeſaid; and that all and every the perſons aforeſaid, and all and every perſon and perſons, to whom the ſaid mines and minerals ſhall be demiſed as aforeſaid, ſhall and may have free liberty to build all ſuch houſes, as ſhall be found convenient and uſeful for working the ſaid mines, and to digg and make turfe for the uſe of the ſaid houſes, where the ſame ſhall happen to be in boggs or mountains, only; making always to ſuch perſon or perſons as ſhall be intitled to the poſſeſſion of the lands, whereon or where-

Lands let in fee farm, or for lives renewable for ever, or long term years, Mines excepted, they to whom rent or reverſion belong may open & work mines, and make ſuch leaſes. 23 *G.* 2. 9.

and houſes for ſaid purpoſe may be built, and turf dug for uſe thereof,

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in ſuch mines and minerals ſhall be dugg for, wrought, or found, ſuch yearly or other reaſonable allowance for the damage ſuſtained upon account of digging ſuch mines, and raiſing and carrying away the ore, or for the building ſuch houſes, or the digging ſuch turfe as ſhall be agreed upon by and between the parties intereſted therein; and in caſe the ſaid parties do not agree, then ſuch damages ſhall be determined and aſcertained by a jury of twelve legal freeholders of the county, where ſuch mines or minerals ſhall be opened, dugg for, or found, upon their oaths in the preſence of two or more juſtices of the peace for ſuch county.

Allowance for damages agreed on;

or by jury before two juſtices.

V. And be it further enacted by the authority aforeſaid, That in caſe the ſaid parties do not agree among themſelves, then and in every ſuch caſe any two neighbouring juſtices of the peace for ſuch county are hereby impowered, authorized, and required, to iſſue a precept in writing under their hands and ſeals, requiring the ſheriff of ſuch county to return four and twenty freeholders at the leaſt at ſuch time and place, as ſhall in ſuch precept be appointed, due notice of which time and place ſhall always be given to both parties; out of which four and twenty freeholders ſo returned, twelve legal and indifferent men ſhall be ſworn to try and aſcertain the damages, and the allowance to be made for ſuch damages; and that the ſaid two juſtices do and ſhall certifie ſuch finding or inquiſition under their hands and ſeals into his Majeſty's court of King's-bench, which ſhall be recorded in the ſaid court, and the like proceſs ſhall iſſue thereon, as in caſe of a judgment upon a writ of inquiry of damages: provided that, before the ſaid twelve men ſo ſworn ſhall make any return for the aſcertaining of the ſaid damages, ſix of them at leaſt ſhall perſonally inſpect and view the ſeveral places, where the ſaid damages are alleged to be done.

Sheriff on precept ſhall return 24 freeholders, due notice of time and place,

juſtices ſhall certify the finding into B. R.

Like proceſs as in judgment on inquiry of damages.

Six of the jury ſhall view the places.

VI. Provided always, That it ſhall not be lawful to or for any perſon or perſons in purſuance of this act to open, dig for, or work any mines or minerals in any land belonging to any archbiſhop, biſhop, dean, archdeacon, prebendary, or other dignitary eccleſiaſtical, parſon, rector, or vicar, whereon any church, houſe, or out-houſe ſhall ſtand or be erected, or wherein any church-yard, garden, orchard, or avenue now are, or hereafter ſhall be, made or planted; any thing herein contained to the contrary notwithſtanding.

Mines ſhall not be opened or worked in lands of biſhops, &c. whereon a church or houſe, church yard, garden, orchard, or avenue:

VII. Provided always, That it ſhall not be lawful to or for any other perſon or perſons in purſuance of this act to open, ſearch, dig for, or work any mines or minerals in any ſpot of ground, whereon any houſe, backſide, garden, orchard, or avenue now are or ſhall be, without the licence or conſent of the tenant or poſſeſſor thereof, and of all and every other perſon or perſons who

nor where any houſe, &c. without licence in writing of tenant or poſſeſſor, and of immediate reverſioner.

who ſhall be ſeized of the immediate reverſion and inheritance of the ſaid lands expectant on the leaſe or leaſes, which have been or ſhall be made in fee ſimple or fee tail, firſt had and obtained in writing.

Leaſe by mortgagee void againſt perſon having equity of redemption, unleſs he joins or conſents.

VIII. Provided alſo, That if any mortgagee or mortgagees of any lands or tenements do or ſhall make ſuch leaſe or leaſes as aforeſaid, the ſame ſhall be void againſt the perſon or perſons, who ſhall be intitled to the equity of redemption of the ſame, unleſs ſuch perſon or perſons ſhall join in ſuch leaſe or leaſes, or otherwiſe conſent or agree thereto.

Leaſes good againſt ſucceſſors and reverſioners.

IX. And be it enacted by the authority aforeſaid, That all leaſes made by vertue of and purſuant to this act ſhall be and remain good, valid, and effectual, not only againſt the perſon, who ſhall make ſuch leaſes, but alſo againſt all and every their reſpective ſucceſſors, and all and every perſon and perſons having or claiming any eſtate, right, title, or intereſt, in reverſion or remainder expectant on the determination of the eſtate of ſuch tenant for life, tenant in dower, or tenant by the curteſie, in, to, or out of, any mines ſo to be demiſed; any law, ſtatute, or uſage, to the contrary notwithſtanding.

Leſſee not beginning to work in a year, or afterwards not keeping 6 able men employed 150 days in a year, leaſe void;

X. Provided always, That if any perſon or perſons, who ſhall take, have, or claim, any right, title, eſtate, or intereſt, of or in any mine or mineral by virtue of or under any leaſe to be made in purſuance of this act, ſhall not begin effectually to work in ſuch mine or mineral within one year next after the commencement of ſuch leaſe, or ſhall after the ſaid firſt year neglect to keep ſix able workmen therein employed for one hundred and fifty days in any one year, during the term of the ſaid leaſe, for the effectual carrying on of the ſaid work; then and in either of the ſaid caſes the leaſe ſo made ſhall be from thenceforth null and void both in law and equity; and it ſhall and may be lawful for the leſſor or leſſors, or ſuch other perſon or perſons, who ſhall be intitled to the rent reſerved on ſuch leaſe, to re-enter in and upon ſuch demiſed premiſſes, and the ſame to have again, repoſſeſs, and enjoy, as in his or their former eſtate.

and leſſor may re-enter.

Jointreſs ſhall not make leaſes of mines.

XI. Provided, That nothing in this act contained ſhall extend to enable any jointreſs to make any leaſe or leaſes of any mines or minerals, which are or ſhall be found in any lands or tenements, which ſuch jointreſs ſhall hold as part of her jointure.

Saving to the King right of pre-emption of ore, and all other rights.

XII. Saving and reſerving to the King's moſt excellent Majeſty, his heirs and ſucceſſors, all ſuch rights of pre-emption of ore, and all other rights, duties, and demands whatſoever, in, unto, or out of, any mines, minerals, and ore, or any of them, as his Majeſty, his heirs and ſucceſſors, might or would have been entitled unto, in caſe this act had not been made; any thing herein contained to the contrary notwithſtanding.

1 *G.* 2. 24. *deſtroying the engines, &c. felony, and a penalty for imbezzling tools.*

CHAP.

A. D. 1723.

CHAP. VI.

An act for explaining and amending an act, intituled, *An act for real union and diviſion of pariſhes; and for confirming an exchange made of a piece of ground, whereon the pariſh-church and vicarage-houſe of the pariſh of Saint Anne in the ſuburbs of the city of Dublin was by a former act of Parliament directed to be built, for another piece of ground; and for appropriating ſuch other piece of ground to the ſame uſes.*

2 G. I. 14. Sect. 1. recited.

WHEREAS by an act made in the ſecond year of the reign of his preſent Majeſty, intitled, *An act for real union and diviſion of pariſhes*, it is amongſt other things enacted, "That from the twenty fourth day of June in the year of our "Lord one thouſand ſeven hundred and ſeventeen, for and during "the term of ten years from thence next enſuing, it ſhould and "might be lawful for the chief governor or governors of this "kingdom for the time being, with the aſſent of the major part "of the privy council in council aſſembled, ſix at leaſt con-"ſenting, and with the advice and approbation of the archbiſhop "of the province, and the biſhop of the dioceſs, certified under "their hands and archiepiſcopal and epiſcopal ſeals, with the "conſent of the reſpective patrons and incumbents, certified "under their hands and ſeals, atteſted by two or more credible "witneſſes ſubſcribing thereunto, to divide old pariſhes, or ſepa-"rate any pariſh, or part of a pariſh, of late united, and to "unite pariſhes one to another, or part of a pariſh to another "pariſh, or part of a pariſh, in perpetuity, and to erect ſuch di-"vided or united pariſhes, or part of pariſhes, into new pariſhes, "with all parochial rights; and alſo to unite and appropriate any "benefice or benefices, having actual cure of ſouls, to a dignity "or prebend without cure; ſaving to the dean, dignitary, pre-"bendary, and incumbent at the time of ſuch union, during their "reſpective incumbency, and to their reſpective patrons and "ordinaries, all their right, title, and intereſt in and to the ſaid "united or appropriated benefices; and ſaving alſo all rights to "the dean and chapter of each cathedral church, and to the "prebendary of the prebend, to which any benefice with cure of "ſouls ſhall be united or appropriated:" and whereas divers dignities or prebends in this kingdom, having actual cure of ſouls annexed, are of very ſmall and inconſiderable value, yet by an union with one or more benefice or benefices without cure may be made a competent proviſion for the ſupport and ſervice of the cures annexed to ſuch dignities or prebends: be it enacted by the

Divers dignities with cure of very ſmall value,

King's

King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That it ſhall and may be lawful for the chief governor or governors of this kingdom for the time being, with the aſſent, advice, approbation, and conſent of ſuch perſons, in ſuch manner, and under ſuch ſavings and proviſoes, as are in the ſaid recited act mentioned, concerning the uniting or appropriating any benefice or benefices, having actual cure of ſouls, to a dignity or prebend without cure, to unite or appropriate any benefice or benefices without cure of ſouls, to a dignity or prebend having actual cure of ſouls annexed.

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Chief governors, &c. as by 2 G. 1. 14. may unite thereto benefices without cure.

II. And whereas by the ſaid recited act the conſent of the incumbent and church wardens and pariſhioners of the pariſh or pariſhes to be aſſembled in veſtry, or the major part of them, teſtified by their petition to the chief governor or governors of this kingdom, and the council thereof, is, among other things therein mentioned, made neceſſary to the directing and ordering new churches to be built in more convenient places in ſuch pariſh or pariſhes: and whereas in divers pariſhes in this kingdom great numbers of the inhabitants are of the popiſh religion, who do, by refuſing to conſent to the building new churches in more convenient places in ſuch pariſhes, greatly obſtruct the execution of the ſaid act: be it enacted by the authority aforeſaid, That the conſent of the incumbent and church wardens, and proteſtant pariſhioners of ſuch pariſh or pariſhes to be aſſembled in veſtry, or the major part of them, teſtified by their petition to the chief governor or governors of this kingdom, and the council thereof, ſhall be to all intents and purpoſes a ſufficient conſent of the pariſhioners of ſuch pariſh or pariſhes to the directing and ordering new churches to be built in more convenient places within ſuch pariſhes; any thing in the ſaid recited act contained to the contrary notwithſtanding: provided always that due notice be given in the church of ſuch veſtry to be held, and of the deſign of calling the ſaid veſtry, two Sundays ſucceſſively immediately preceding the time appointed for the meeting of the ſaid veſtry; and, where there is no church uſed for the celebration of divine ſervice, the like notice ſhall be poſted up in the next market-town fourteen days before the meeting of the ſaid veſtry.

Conſent of pariſhioners neceſſary to building new churches by 2 G. 1. 14.

obſtructed by refuſal of papiſts.

Conſent of major part of proteſtant pariſhioners ſhall be ſufficient. 19 G. 2. 16.

Perſons impowered to grant 1 *acre for a ſcite for new church.*

Notice of veſtry, and of the deſign, ſhall be given in church the 2 preceding Sundays: and where no church, in next market-town 14 days before.

III. And be it enacted by the authority aforeſaid, That in all unions to be made by vertue of the ſaid recited act, or of this preſent act, of any dignities or benefices, the patronage whereof is or ſhall be in the King's Majeſty, his heirs or ſucceſſors, the conſent of the King's Majeſty, his heirs or ſucceſſors, ſignified by letter under his, her, or their royal ſign manual to the chief go-

Where patronage in the King, his conſent to union under ſign manual, as valid as if under great ſeal:

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vernor or governors of this kingdom for the time being, to the making such union, shall be to all intents and purposes as good and valid, as if such consent were signified and declared under the great seal of this kingdom: provided the said sign manual be enrolled in his Majesty's high court of Chancery within six kalendar months after the date thereof; for which a fee of three shillings and four pence shall be paid, and no more.

if inrolled in Chancery in 6 months.

1 G. 2. 19. *consent of chief governors valid.* 21 G. 2. 8.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the several and respective deans and chapters within this realm of Ireland, by and with the consent of the archbishop of the province, and the bishop of the diocess, certified under their hands and archiepiscopal and episcopal seals, to endow any vicarage or curacy in any parish, the church whereof is appropriate to them belonging, with a convenient portion of glebe or tithes, or both, belonging to such dean and chapter in such parish or parishes; and also with the consent aforesaid to augment such endowments, as have been already made for the support of a proper vicar or curate for performance of divine service and cure of souls within the same; saving to the then tenants of such glebes and tithes all their right and title during their respective leases.

Deans and chapters with consent of bishop certified may endow vicarage or curacy with glebe and tithes; or augment endowments: saving right of tenants thereof.

By said act consent of deans and chapters necessary to endowments by dignitaries:

V. And whereas by the said recited act the consent of the respective deans and chapters in such dioceses, where there are deans and chapters, is among other things therein mentioned made necessary to the endowments, and augmentation of endowments, of vicarages or curacies with a convenient portion of glebe or tithes, or both, in parishes, the churches whereof are appropriated belonging to the respective dignitaries and prebendaries in such dioceses, to be made by such respective dignitaries and prebendaries: and whereas in some dioceses in this kingdom there are several and distinct deans and chapters, whose joint consent in such cases is of no real use or advantage, and hath been found difficult to be obtained, and the good intent of the said recited act obstructed thereby: be it enacted by the authority aforesaid, That the consent of such dean and chapter, of which the respective dignitaries or prebendaries, so endowing or augmenting the endowments of such vicarage or curacy as aforesaid, are members, to the making such endowments or augmentation of endowments, shall be to all intents and purposes as valid and effectual in law, as if the several and distinct deans and chapters of such diocess had consented thereunto; any thing in the said recited act contained to the contrary notwithstanding.

in some dioceses several deans and chapters; whereby said act obstructed;

consent of dean and chapter, whereof the dignitaries endowing are members, sufficient.

by 2 G. 1. 14. *Sect.* 8. bishops, *&c.* with consent may ex-

VI. And whereas by the said recited act it is enacted, "That "it shall and may be lawful to and for every archbishop, bishop, "dean, dignitary or prebendary, with the approbation and con-

"sent

"ſent therein mentioned, to exchange any rectory, vicarage, pa-
"riſh, or portion of tithes to his or their ſaid archbiſhoprick,
"biſhoprick, deanry, dignity, or prebend belonging, for any
"other rectory, vicarage, pariſh, or portion of tithes within the
"ſame dioceſs of equal or near the ſame value:" be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for every archbiſhop and biſhop, with the conſent of the chief governor or governors of this kingdom for the time being, and privy council, ſix at leaſt conſenting, and for every dean with the conſent of the archbiſhop or biſhop of the dioceſs and of the chapter; and alſo for every arch-deacon, dignitary, or prebendary, with like conſent of the archbiſhop or biſhop, and the conſent of the reſpective dean and chapter, whereof ſuch dignitary or prebendary is a member, in ſuch dioceſſes where there are deans and chapters, and in ſuch dioceſſes where there are no deans and chapters then by and with the conſent of the major part of the clergy at their reſpective viſitations, to exchange any rectory, vicarage, or portion of tithes, to his or their ſaid archbiſhoprick, biſhoprick, deanry, archdeaconry, dignity, or prebend belonging, for any portion or parcel of land of the ſame value; the ſame to be ſettled and remain to ſuch archbiſhop, biſhop, dean, archdeacon, dignitary, or prebendary, and his and their reſpective ſucceſſors, who are hereby enabled and made capable to take and retain the ſame.

Exchange rectories, vicarages, or tithes.

By this act exchange may be made for land of ſame value.

2 *Anne* 10.
5 *G.* 2. 6.
7 *G.* 2. 7.
29 *G.* 2. 8.

VII. Provided always, That ſuch rectory, vicarage, or portion of tithes, ſo exchanged, ſhall be ſettled upon and remain to ſuch perſon, as ſhall have the actual cure of ſouls in the pariſh, whereof the rectory, vicarage, or any portion of tithes, ſhall be ſo exchanged; ſaving to the then tenant and tenants of all ſuch lands, rectories, vicarages, and portions of tithes, all their right, title, and intereſt, during their ſeveral and reſpective leaſes.

Rectory, &c. ſo exchanged ſhall be ſettled on perſon having actual cure;

ſaving to tenants all right during leaſes.

VIII. Provided always, and be it further enacted by the authority aforeſaid, That the ſaid recited act, and every clauſe, matter, and thing therein contained, and not hereby altered and repealed; and alſo this preſent act, ſhall be and continue in force for ten years, from the ſecond day of February one thouſand ſeven hundred and twenty three, and from thence to the end of the then next ſeſſion of Parliament, and no longer.

Continuation of this act, and of 2 *G.* 1. 14. (ſo far as not altered and repealed) for 10 years, &c. *both continued by* 7 *G.* 2. 7. *and perpetual* 13 *G.* 2. 4.

IX. And whereas by an act of Parliament lately paſſed in this kingdom, intituled, *An act for dividing of the ſeveral pariſhes of Saint Andrew's, Saint Nicholas, Saint Catherine's, Saint James's, and Saint John of Kilmainham; and for erecting a new pariſh by the name of the pariſh of Saint Anne, on the ground lying between Grafton-ſtreet and Merrion-ſtreet in the ſuburbs of the city of Dublin*, reciting, "That Joſhua Dawſon of the city of Dublin,

Recital of an act for erecting St. Anne's pariſh in Dublin,

A. D. 1723. Chap. 6.

" eſquire, had given a plott or piece of ground, containing two " hundred feet in length or depth, and one hundred feet in " breadth, mearing and bounding eaſtward to Dawſon's-ſtreet, " weſtward to a lane leading from Anne-ſtreet to Duke-ſtreet, " and northward by Anne-ſtreet, for a church and church-yard, " and vicarage-houſe and garden for the vicar and inhabitants of " the ſaid pariſh of Saint Anne;" it was amongſt other things enacted, " That the ſaid plott or piece of ground ſo given, ap- " pointed, and deſcribed, ſhould be thereby veſted in Marmaduke " Coghill and Samuel Dopping, eſquires, and their heirs for ever, " upon truſt nevertheleſs, and to the intent and purpoſe, that a " pariſh church, veſtry, and other rooms and conveniencies ne- " ceſſary for a church, might be built thereon for the uſe of " the vicar, miniſter, and pariſhioners of the ſaid pariſh:" and whereas ſince the time of paſſing the ſaid act it was found, that the ſaid plott or piece of ground ſo given and ſett out was not conveniently ſcituated for building and erecting thereon the pariſh-church for the ſaid pariſh of Saint Anne: whereupon at the requeſt of the pariſhioners the ſaid plott was exchanged for another plott or piece of ground in the ſaid pariſh, encloſed with a ſtone-wall, of larger extent and more conveniently ſcituated for the aforeſaid purpoſes, lying eaſtwards of Dawſon's-ſtreet and oppoſite to Anne-ſtreet, and containing in front weſtward to Dawſon's-ſtreet one hundred and twenty feet in depth, on the north-ſide two hundred feet, on the ſouth-ſide one hundred eighty ſeven feet, and to the eaſt one hundred and twenty feet; and on part whereof a church hath been lately built and erected by the direction of his grace the lord archbiſhop of Dublin, which hath been likewiſe conſecrated: and whereas it is neceſſary, that the exchange of the ſaid plotts of ground be confirmed and made good by the authority of an act of Parliament, and that the ſaid plott of ground, on part of which the ſaid church hath been erected, may for the purpoſes aforeſaid be ſettled and aſſured by act of Parliament for the uſe of the ſaid pariſh of Saint Anne; and that the ſaid church ſo built and erected thereon may be reputed and remain the pariſh-church of the ſaid pariſh for ever: be it enacted by the authority aforeſaid, That the exchange of the ſaid plotts of ground be confirmed, and for ever accounted good and valid; and the ſaid plott or piece of ground ſo given, appointed, and deſcribed, on part whereof the ſaid church hath been erected and built, be and is hereby veſted in the preſent rector, parſon, or miniſter of the ſaid pariſh, and his ſucceſſors for ever, in truſt for the uſe of the ſaid pariſh for the purpoſes aforeſaid; and that the ſaid church ſo erected and conſecrated ſhall for ever be reputed and remain the pariſh-church of the ſaid pariſh of Saint Anne, as fully

and of exchange of ground granted for building the church for a more convenient plot.

ſaid exchange confirmed.

fully and effectually to all intents and purpoſes, as if the church had been erected on the plott or piece of ground veſted by the ſaid act in Marmaduke Coghill and Samuel Dopping, eſquires; any thing in the ſaid recited act of Parliament to the contrary notwithſtanding. A. D. 1723.

CHAP. VII.

An Act for amending an act, intituled, *An act for confirming the ſeveral grants made by her late Majeſty of the firſt fruits and twentieth parts, payable out of the eccleſiaſtical benefices in this kingdom; and alſo for giving the archbiſhops and other eccleſiaſtical perſons four years time for the payment of firſt fruits; and for incorporating the truſtees and commiſſioners of the ſaid firſt fruits.*

WHEREAS her late Majeſty Queen Anne of bleſſed memory for the encouragement and increaſe of piety did by letters patents under the great ſeal of this kingdom, bearing date the ſeventh day of February in the tenth year of her reign, give and grant unto the moſt reverend father in God Narciſſus then lord archbiſhop of Armagh, primate and metropolitan of all Ireland, Sir Conſtantine Phipps, knight, then lord chancellor of Ireland, the moſt reverend fathers in God William archbiſhop of Dublin, William archbiſhop of Caſhel, John then archbiſhop of Tuam, and to the reverend fathers in God William then biſhop of Meath, Welbore biſhop of Kildare, and to ſeveral other biſhops of this kingdom, to the then chief judges of the courts of King's bench, Common-pleas, and Exchequer, the then prime ſerjeant at law, attorney-general, ſolicitor-general, and alſo to Sir John Percival, baronet, now lord viſcount Percival, and Samuel Dopping, eſquire, and other perſons in the ſaid letters patents mentioned, all and all manner of firſt fruits iſſuing out of the eccleſiaſtical benefices payable by the clergy in this kingdom of Ireland, by whatſoever name the ſame are called, and by whatſoever right or title the ſame did belong unto her then Majeſty, or to the crown, to hold the ſaid firſt fruits iſſuing out of the ſaid eccleſiaſtical benefices, payable by the clergy of this kingdom, to the ſaid archbiſhops, biſhops, and their ſucceſſors reſpectively, and to others the perſons aforeſaid, and in the ſaid letters patents mentioned, upon the truſts, and to the uſes, intents, and purpoſes in the ſaid letters patents expreſſed and declared: and whereas the ſaid Sir John Percival, baronet, now lord viſcount Percival, and Samuel Dopping, eſquire, two of the ſaid truſtees, in whom the ſaid firſt fruits are by the ſaid letters patents veſted, being only private perſons, neither were nor are capable of having any ſuc-

29 G. 2. 18. Recital of grant by letters pat. 7 Feb. 10 *Anne* of firſt fruits to truſtees,

two of the truſtees private perſons,

A. D. 1723. Chap. 7.

ceſſors, and all the reſt of the ſaid truſtees being at the time of making the ſaid letters patents in publick offices and employments; the ſeveral perſons, who from time to time ſhall reſpectively be in the ſame offices and employments, are by the ſaid letters patents to be veſted in the ſaid truſt in like manner, as the ſaid perſons at that time named were ſo to be veſted: now for the better enabling the ſaid truſtees in the ſaid letters patents mentioned to execute the truſts therein and thereby repoſed in them; be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid truſtees in the ſaid letters patents named, or as many of them as by the ſaid letters patents, or by an act of Parliament made in the ſecond year of his Majeſty's reign, intituled, *An act for confirming the ſeveral grants made by her late Majeſty of the firſt fruits and twentieth parts, payable out of the eccleſiaſtical benefices in this kingdom, and alſo for giving the archbiſhops, biſhops, and other eccleſiaſtical perſons, four years time for the payment of firſt fruits*, or by this preſent act, have, or ſhall have power to tranſact the buſineſs of the ſaid truſt, ſhall have power to nominate and elect a perſon in the room of the ſaid Samuel Dopping, who is now dead, and another in the room of the ſaid lord viſcount Percival after his diſceaſe; and ſo from time to time as often as any vacancy ſhall happen in the places of them the ſaid lord viſcount Percival and Samuel Dopping, or of any perſon hereafter to be elected to ſucceed therein, ſhall and may nominate and elect ſome other perſon or perſons into ſuch place or places; which ſaid perſons ſo from time to time elected ſhall to all intents and purpoſes be deemed to ſtand in the room of the ſaid lord viſcount Percival and Samuel Dopping reſpectively, as if their own proper names had been inſerted in the ſaid letters patents.

upon whoſe deceaſe the truſtees may elect others, and ſo from time to time.

2 G. I. 15.

ſaid truſtees incorporated, and to have perpetual ſucceſſion, common ſeal, &c. and firſt fruits veſted in them.

II. And be it enacted, That the ſaid truſtees ſhall from and after the twenty fifth day of March in the year of our Lord one thouſand ſeven hundred and twenty four be one body politick and corporate, by the name of *the truſtees and commiſſioners of the firſt fruits payable out of eccleſiaſtical benefices*, and ſhall have perpetual ſucceſſion, and ſhall have and uſe a common ſeal to be by them from time to time appointed; and that they and their ſucceſſors by the name aforeſaid may ſue and implead, and be ſued and impleaded, anſwer and be anſwered, in all courts of record, or any other place whatſoever; and that the ſaid firſt fruits iſſuing out of the eccleſiaſtical benefices payable by the clergy in this kingdom, ſo as aforeſaid given and granted to the ſaid truſtees by the ſaid letters patents, from and after the ſaid twenty fifth

day

day of March ſhall be and are hereby veſted in the ſaid corporation and their ſucceſſors; and that the ſaid corporation and their ſucceſſors ſhall have and enjoy all and ſingular the rights, priviledges, powers, and authorities by the ſaid letters patents and the ſaid recited act given and granted to the ſaid truſtees; and ſhall and may by the name aforeſaid do, perform, and execute all and ſingular the acts, matters, and things, which by the ſaid truſtees might lawfully be done, performed, and executed. A. D. 1723. Chap. 7.

by ſaid letters pat. 9 may act:

III. And whereas by the ſaid letters patents any nine or more of the perſons therein named (whereof the lord chancellor, one of the archbiſhops, and two of the biſhops of this kingdom for the time being were always to be four) were appointed and conſtituted truſtees and commiſſioners of her ſaid Majeſty, her heirs, and ſucceſſors, for the diſpoſition of the ſaid revenue of firſt fruits: and whereas by the ſaid act made in the ſecond year of the reign of his preſent Majeſty King George; it is enacted, "That any ſeven or more of the ſaid truſtees and commiſſioners "(of whom the lord chancellor, the lord keeper, or firſt com-"miſſioner of the great ſeal for the time being, who are thereby "reſpectively impowered to act in that behalf in the ſame man-"ner as the lord chancellor ought to have acted, one of the lords "archbiſhops, and two of the biſhops of this kingdom, ſhall be "always four) might for ever thereafter act in the ſaid truſts, and "diſpoſe of the ſaid firſt fruits in the ſame manner to all intents "and purpoſes, as any nine of the ſaid truſtees might have acted "and diſpoſed thereof:" and whereas it frequently happens through multiplicity of other buſineſs, that the lord chancellor, and, it may happen, that the lord keeper and firſt commiſſioner of the great ſeal cannot be preſent at the meetings of the ſaid truſtees for the execution of the ſaid truſt: be it further enacted by the authority aforeſaid, That in the abſence of the lord chancellor, lord keeper, or firſt commiſſioner of the great ſeal for the time being, one of the archbiſhops, two of the biſhops of this kingdom, and one of the chief judges of his Majeſty's ſaid courts of King's bench, Common pleas, or Exchequer, for the time being; and in the abſence of the ſaid chief judges, then either the prime ſerjeant at law, attorney-general, or ſolicitor-general for the time being, with any three or more of the ſaid truſtees and commiſſioners in the ſaid letters patents named, or their ſucceſſors, ſhall be a *quorum* of the ſaid corporation, and may for ever hereafter act in the ſaid truſts, and diſpoſe of the ſaid firſt fruits in the ſame manner to all intents and purpoſes, as any ſeven or more of the ſaid truſtees as aforeſaid by vertue of the ſaid act, or any nine or more of the ſaid truſtees as aforeſaid by vertue of the ſaid letters patents, might have acted or diſpoſed thereof; and that ſuch act

ſeven by 2 *G.* 1. 15.

Lord chancellor, *&c.* may happen not to be preſent:

in abſence of lord chancellor, *&c.* who may be of the *quorum.*

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act and diſpoſition ſhall be to all intents and purpoſes as good and valid in law, as if the ſame had been made and done by nine or more of the ſaid truſtees according to the ſaid letters patents, or by any ſeven or more of the ſaid truſtees according to the ſaid recited act; any thing in the ſaid letters patents, or in the ſaid act, contained to the contrary in any wiſe notwithſtanding.

Recital of 2 G. 1. 14. Sec. 1.

IV. And whereas by one other act made in the ſecond year of the reign of his preſent Majeſty, intituled, *An act for real union and diviſion of pariſhes*; it is enacted, "That from and after "the twenty fourth day of June in the year of our Lord one "thouſand ſeven hundred and ſeventeen, for and during the "term of ten years from thence next enſuing, it ſhould and "might be lawful for the chief governor or governors of this "kingdom for the time being, with the aſſent of the major part "of the privy council in council aſſembled, ſix at leaſt conſent-"ing, and with the advice and approbation of the archbiſhop of "the province, and the biſhop of the dioceſs, certified under their "hands and archiepiſcopal and epiſcopal ſeals, with the conſent "of the reſpective patrons and incumbents, certified under their "hands and ſeals, atteſted by two or more credible witneſſes ſub-"ſcribing thereunto, to divide old pariſhes, or ſeparate any pariſh "or part of a pariſh of late united, and to unite pariſhes one to "another, or part of a pariſh to another pariſh or part of a pariſh, "in perpetuity, and to erect ſuch divided or united pariſhes, or "part of pariſhes, into new pariſhes, with all parochial rights; "and alſo to unite or appropriate any benefice or benefices, hav-"ing actual cure of ſouls, to a dignity or prebend without cure:" therefore for the better ſecuring the payment of the firſt fruits of ſuch pariſhes, or parts of pariſhes, as ſhall be united or appropriated by vertue of the ſaid act; be it further enacted by the authority aforeſaid, That where one or more pariſh or pariſhes, or part of one or more pariſh or pariſhes, ſhall be united to another pariſh or pariſhes, or to a part of a pariſh or pariſhes, or where any benefice or benefices, having actual cure of ſouls, ſhall be united or appropriated to a dignity or prebend without cure in purſuance of the ſaid act; and the incumbent of any the ſaid united pariſhes, or of the pariſh or pariſhes whereof part only ſhall be ſo united to any other pariſh or pariſhes, or of ſuch benefice or benefices united and appropriated to a dignity or prebend, ſhall die, reſign, or be removed, then the next incumbent or perſon ſucceeding in the place of him ſo dying, reſigning, or being removed, ſhall be chargeable with, and ſhall accordingly pay the firſt fruits of ſuch pariſh or pariſhes, or part of pariſh or pariſhes, or of ſuch benefice or benefices ſo united and appropriated, as if he were legally collated, or inſtituted and inducted, to the ſame: and to the end that ſuch incumbent, dignitary,

Where pariſhes or benefices united according thereto, incumbent, &c. ſucceeding, ſhall pay firſt fruits.

dignitary, or prebendary, may be reſpectively charged with ſuch firſt fruits, the archbiſhop and biſhops of this kingdom are hereby reſpectively required to make and return to the firſt fruits office a certificate of the death, removal, or reſignation of ſuch incumbent or incumbents of the ſaid pariſh or pariſhes, or part of pariſh or pariſhes, or of ſuch benefice or benefices, ſo united or appropriated, and the name of the next incumbent or perſon ſucceeding in the place of him ſo dying, reſigning, or being removed as aforeſaid; together with the ſeveral and particular denominations of each divided and united pariſh or pariſhes, within ſuch time, and in ſuch and the ſame manner, as certificates are or uſually have been made and returned upon the inſtitution or collation of incumbents to livings or benefices.

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Biſhops ſhall return to firſt fruits office certificate of death or removal of incumbent, and name of ſucceſſor, with the ſeveral denominations.

V. And be it further enacted by the authority aforeſaid, That wherever any pariſh or pariſhes, or part of a pariſh or pariſhes, (now liable to the payment of firſt fruits) ſhall be divided by vertue of the ſaid act, it ſhall and may be lawful for the chief governor or governors, and privy council of this kingdom for the time being, in and by the inſtrument in writing, whereby ſuch diviſion ſhall be made, approved, or confirmed by them, to ſettle and aſcertain a juſt proportion of the firſt fruits now due for ſuch pariſh or pariſhes, which ſhall be payable out of or for each and every the pariſh or pariſhes, or part of pariſh and pariſhes, which ſhall be ſo divided; and that ſuch firſt fruits, as ſhall be thereby aſcertained, and no other, ſhall from thenceforth be payable out of and for the ſaid pariſh or pariſhes, part of pariſh or pariſhes reſpectively, as ſhall be ſo divided; any law, ſtatute, or cuſtom, to the contrary thereof in any wiſe notwithſtanding.

on diviſion of pariſhes by 2 *G.* 1. 14. the proportion of firſt fruits ſhall be ſettled by the inſtrument of diviſion.

VI. And be it further enacted by the authority aforeſaid, That when any pariſh hath been already divided into two or more pariſhes, or where part of one or more pariſh or pariſhes hath been erected into a new pariſh, or united to any other pariſh or pariſhes before the firſt day of this preſent ſeſſion of Parliament by virtue of the ſaid act; that it ſhall and may be lawful for the archbiſhop of the province, and biſhop of the dioceſs, where ſuch divided or new erected pariſh or pariſhes lie, by inſtrument in writing under their reſpective hands and archiepiſcopal and epiſcopal ſeals, by and with the conſent of the ſaid truſtees and commiſſioners of the ſaid firſt fruits, or any ſeven or more of them as aforeſaid, ſignified under their common ſeal, to ſettle and aſcertain a juſt proportion of the firſt fruits formerly due for ſuch pariſh or pariſhes, which ſhall be payable out of and for ſuch new erected pariſh or pariſhes, and out of and for the reſpective parts of ſuch united or divided pariſh or pariſhes; and that ſuch firſt fruits, as ſhall be ſettled and aſcertained in manner aforeſaid, and no other,

where pariſhes already divided or new erected, the biſhop by writing, with conſent of truſtees, ſhall proportion the firſt fruits.

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Not to charge any part of pariſhes now exempted from firſt fruits.

VII. Provided always and be it further enacted by the authority aforeſaid, That nothing herein contained ſhall extend, or be conſtrued to extend, to charge or make liable any pariſh or pariſhes, or any part thereof, that ſhall be divided purſuant to the ſaid act, with or to the payment of firſt fruits, that is or are now diſcharged or exempted therefrom; any thing herein before contained to the contrary thereof in any wiſe notwithſtanding.

CHAP. VIII.

An act for accepting the ſolemn affirmation or declaration of the people called Quakers, in certain caſes, inſtead of an oath in the uſual form.

WHEREAS for the more eaſie carrying on of trade and commerce within this kingdom, it may be convenient in ſome caſes to accept of a ſolemn declaration or affirmation from the people called Quakers, in the room of an oath, which according to their principles they alledge to be unlawful for them to take: be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the ſecond day of February in the year of our Lord one thouſand ſeven hundred and twenty three every quaker within this kingdom, who ſhall be required upon any lawful occaſion to take an oath, where by law an oath is required, in making entries, invoicing of ſhips or goods, and obtaining debentures at the Cuſtom-houſe, and in all and every other caſe where an oath is required in the way of trade before any perſon or perſons concerned in the management of his Majeſties revenue in this kingdom; as alſo in recovering of ſmall debts in a ſummary way by civil bill, and in proving their book debts for any ſum not exceeding one hundred pounds, and in recovering of rent and arrears of rent due to any quaker, where the title of the land doth not come in queſtion, and in ejectments, to be brought where the leſſor of the plaintiff is a quaker, upon the ſeveral acts made to prevent frauds committed by tenants, or any of them; and alſo in taking out adminiſtrations, proving of wills in common form, and returning inventories; as alſo where by law an oath is required in obtaining freedoms in cities and other towns corporate, and upon attachments, and foreign attachments in inferior courts, and in elections of members of Parliament, ſhall in ſuch caſes, inſtead of an oath in the uſual form, be permitted to make his or her ſolemn declaration or affirmation, in theſe words following: *(viz.)*

I. *A. B. do ſolemnly, ſincerely, and truly declare and affirm.*

And all perſons, authorized or required to adminiſter or tender an oath in all and every the caſes aforeſaid, are hereby authorized and required to adminiſter and tender

tender the ſaid ſolemn affirmation or declaration to the ſaid people called quakers in the words by this act appointed as aforeſaid; which ſaid ſolemn declaration or affirmation ſhall be adjudged and taken to be of the ſame force and effect to all intents and purpoſes in all courts of juſtice, and before all perſons, and in all places, where by law an oath is required within this kingdom for and in reſpect of the caſes herein before particularly mentioned, as if ſuch quaker had taken an oath in the uſual form, in all, every, or any of the caſes aforeſaid.

II. And be it further enacted by the authority aforeſaid, That if any perſon making ſuch ſolemn declaration or affirmation in all, every, or any of the caſes aforeſaid, ſhall be lawfully convicted, wilfully, falſely, and corruptly to have declared or affirmed any matter or thing, which, if the ſame had been ſworn in the uſual form, would have amounted to wilful and corrupt perjury; every ſuch perſon ſo offending ſhall incur the ſame penalties and forfeitures, as by the laws and ſtatutes of this realm are enacted againſt perſons convicted of wilful and corrupt perjury.

III. Provided always, and be it enacted by the authority aforeſaid, That when any quaker or reputed quaker within this kingdom ſhall be required in purſuance of an act of Parliament, made in this kingdom in the ſixth year of the reign of his preſent Majeſty, intituled, *An act for exempting the proteſtant diſſenters of this kingdom from certain penalties, to which they are now ſubject*, to make and ſubſcribe the declaration of fidelity therein mentioned to his preſent Majeſty, ſuch quaker ſhall alſo (if required) make and ſubſcribe his or her name or mark to the following profeſſion of their chriſtian belief in theſe words: *(viz.)* 6 G. 1. 5.

I. *A. B. profeſs faith in God the father, and in Jeſus Chriſt his eternal ſon, the true God, and in the Holy Spirit, one God bleſſed for evermore; and do acknowledge the holy ſcriptures of the old and new teſtament to be given by divine inſpiration;*

Which declaration and profeſſion ſhall be made and entred of record at the general quarter-ſeſſions of the peace at the county, city, or place, where ſuch perſon ſhall then reſide, and the clerk of the peace of every ſuch county, city, or place, ſhall give to every ſuch quaker requiring the ſame a certificate in writing of ſuch quakers having made and ſubſcribed the ſaid declaration and profeſſion; which certificate ſhall be allowed of in all courts and places, as proof of ſuch quaker having made and ſubſcribed the ſaid declaration and profeſſion; and for which the clerk of the peace ſhall be allowed one ſhilling and no more.

IV. Provided always, That no perſon or perſons ſhall be deemed a quaker within the intention of this act, unleſs, he, ſhe, or they, ſhall produce a certificate or certificates under the hands of ſix credible perſons of their own congregation, of his or her having been of that profeſſion at leaſt three years then laſt paſt, if thereunto required.

V. And be it further enacted by the authority aforeſaid, That this act ſhall be deemed, adjudged, and taken to be a publick act, and be judicially taken notice of as ſuch by all judges, juſtices, and other perſons whatſoever.

VI. Provided always, That this act ſhall continue in force for the ſpace of three years, and from thence to the end of the then next ſeſſion of Parliament, and no longer. Continuance three years.

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CHAP. IX.

An Act for continuing and amending of the laws in relation to butter and tallow, and the casks in which such goods are to be made up, and in relation to the curing of hides, and making up of beef and pork for exportation; and for preventing the destruction of salmon.

10 *Wil.* 3. 2. 2 *Anne* 15. 6 *Anne* 12. 2 *G.* 1. 16. 4 *G.* 1. 12. 8 *G.* 1. 7. 12 *G.* 1. 5. 13 *G.* 2. 12. 21 *G.* 2. 7. 29 *G.* 2. 8.

WHEREAS the several laws, heretofore made to prevent frauds and abuses in making up butter and tallow, have not had their due effect: be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That one act made in the eighth year of his present Majesty's reign, intituled, *An act for the farther amendment of the laws in relation to butter and tallow casks, hides, and other commodities of this kingdom, and for preventing the destruction of salmon*, shall continue and remain in full force from the last day of this present session of Parliament, until the second day of March in the year of our Lord one thousand seven hundred and twenty three, and no longer; and that all and every person and persons, who have been appointed weigh-master or weigh-masters in any town or place in pursuance of the said act shall and may continue to execute the office of weigh-master, in such manner as herein after by this act is directed, until such time as some other person or persons, by this act nominated or to be appointed in pursuance thereof, shall take upon him or themselves such office of weigh-master.

8 *G.* 1. 7. continued till 2d. March 1723.

And weigh-masters thereby appointed shall act as herein directed, till others appointed assume the office.

II. And be it enacted by the authority aforesaid, That on or before the first day of March one thousand seven hundred and twenty three in every city and town corporate in this kingdom, except the cities of Dublin and Cork, the chief magistrate and aldermen, or chief magistrate and burgesses where there are no aldermen, under the seals of their respective corporations, and in every place of export from whence butter and tallow are commonly shipt for exportation, such place being no city or town corporate, and in every barony in this kingdom, wherein there is any market-town, the justices of the peace at the next general quarter-session of the peace after the said first day of March to be held for the respective counties, in which such places of exportation and baronies lie, under their hands and seals, and so from time to time as any vacancy shall happen, shall nominate and appoint some one or

First of March 1723 in cities and corporations (except Dublin and Cork) chief magistrate, &c. and in places of export of butter and tallow, and in baronies wherein a market town, justices at sessions, shall appoint weigh-masters.

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or more diſcreet and ſkilful perſon or perſons to be a publick weigh-maſter or publick weigh-maſters in and for ſuch reſpective city, town corporate, place of export and barony.

Who ſhall hold during good behaviour;

III. And be it enacted by the authority aforeſaid, That the weigh-maſter and weigh-maſters ſo to be appointed, and alſo the preſent weigh-maſters of Belfaſt, who are hereby appointed weigh-maſters of the ſaid town of Belfaſt, ſhall hold and enjoy ſuch his and their office of weigh-maſter and weigh-maſters during his and their good behaviour, and until ſuch time as he or they ſhall in manner herein after mentioned before the chief magiſtrate and aldermen, or chief magiſtrate and burgeſſes of the city or town corporate, or before the juſtices of peace at the general quarter-ſeſſions of the peace for the county, in which ſuch place of export or barony lies, for which he or they are appointed weigh-maſters reſpectively, be convicted of having acted contrary to the duty of his and their office.

And on proof of misbehaviour, or not appearing on due ſummons, be removed, and others appointed.

IV. And be it enacted by the authority aforeſaid, That the chief magiſtrate and aldermen, or chief magiſtrate and burgeſſes, in the ſaid cities and towns corporate reſpectively, and the juſtices of the peace at the general quarter-ſeſſions of the peace in their reſpective counties, ſhall and may upon full proof of the miſbehaviour of ſuch weigh-maſter and weigh-maſters in his and their office, either upon full hearing of him or them, or upon his or their being duly ſummoned, and neglecting to appear, by writing under the hands and ſeals of them, or the major part of them reſpectively, remove ſuch weigh-maſter or weigh-maſters ſo appointed for ſuch city, town corporate, place of export, or barony, and nominate and appoint another or others in his or their ſtead.

Appeal to next judges of aſſize, who may determine, and award coſts, for non-payment whereof commitment.

V. Provided always, That if any weigh-maſter or weigh-maſters ſo removed, or the perſon or perſons ſo complaining of him or them, ſhall think him or themſelves aggrieved by the determination of ſuch chief magiſtrate and aldermen, chief magiſtrate and burgeſſes, or juſtices of the peace; it ſhall and may be lawful to and for the party, who ſhall think himſelf ſo aggrieved, to apply by petition to the juſtice or juſtices of aſſize for the county or place, in which the city, town corporate, place of export, or barony ſhall lie, in his or their next circuit; who are and is hereby impowered and required to hear, and finally determine, the matter of ſuch petition, and to reſtore ſuch weigh-maſter and weigh-maſters, if unduly removed, or to remove him or them, if the complaint be thought juſt, by warrant under his and their hand and ſeal or hands and ſeals; and alſo at his or their diſcretion to award reaſonable coſts to the party, who upon hearing

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such petition shall appear to be aggrieved; which costs shall be paid by the party, against whom the same shall be awarded, within a time to be appointed by such justice or justices of assize; and in default of such payment the party, against whom the said costs are awarded, shall be committed, till the same are paid.

Weigh-master shall give bond with security, or recognizance, for true performance; the penalty not above 500 l. nor less than 20 l.

VI. And be it enacted by the authority aforesaid, That every weigh-master, hereby nominated or to be appointed in pursuance of this act; before he shall enter upon the execution of such office, shall perfect a bond with sufficient security to the chief magistrate of such city or town corporate respectively, or enter into a recognizance before the justices of peace at the quarter-sessions for such respective county, of such penalty as the said chief magistrate, or the said justices of the peace, shall think reasonable, not exceeding five hundred pounds, nor less than twenty pounds, conditioned for his true and faithful performance and execution of his said office; and shall likewise take before the said chief magistrate or justices the oath following: *viz.*

and take oath following before chief magistrate or justices.

I A. B. *do swear, that I will diligently and faithfully execute the office of publick weigh-master, during the time I shall continue in the said office; I will take care truly, without fraud or delay, to weigh all butter and tallow, and to weigh and brand all butter and tallow casks in such order, as the said goods shall be brought to me to be weighed or branded; and in all other respects I will truly execute my said charge;*

So help me God.

Which oath the said chief magistrate and justices of the peace at their quarter-sessions are hereby impowered to administer.

Weigh-masters shall provide weigh-houses approved; and beams, scales, &c. and attend daily in places of usual sale or export, in other places only on market days, from 6 till 12, and from 2 till 6, from 25th March; from 8 till 12 and from 2 till 4 from 29th September. 1 G. 3. 17. *for Limerick.*

VII. And be it enacted by the authority aforesaid, That every weigh-master, hereby nominated to be appointed in pursuance of this act, shall provide a sufficient and convenient weigh-house or weigh-houses, to be approved in each city and town corporate by the chief magistrate and aldermen, or chief magistrate and burgesses, and in every other place of export and barony; which weigh-house in each barony shall be in some market-town, to be approved by the justices of peace at their respective quarter-sessions; and shall also provide beams, scales, weights, branding-irons, and other necessaries at his proper charge, and shall attend at his weigh-house by himself, or by a sufficient deputy, to be approved of by the chief magistrate and aldermen, chief magistrate and burgesses, or justices of the peace at the quarter-sessions respectively in every city and town corporate, where butter and tallow

have been frequently or uſually ſold, and in every other place of export, from whence ſuch commodities are commonly exported every day in the week (Sundays and holy-days excepted) from ſix of the clock in the morning till twelve, and from two in the afternoon 'till ſix, from the twenty fifth day of March 'till the twenty ninth day of September, and from thence to the twenty fifth day of March from eight in the morning 'till twelve, and from two in the afternoon 'till four; and, in ſuch towns corporate where butter or tallow are not uſually and frequently ſold, and in ſuch places of export from which the ſaid commodities are not commonly exported, on market-days only, during the hours aforeſaid, and then and there weigh, brand, and mark all ſuch commodities and empty caſks, as by this act he is required.

VIII. And be it enacted by the authority aforeſaid, That no perſon or perſons from and after the firſt day of March one thouſand ſeven hundred and twenty three ſhall buy or ſell any empty caſks for packing of butter for ſale, or export, or ſhall make up or pack butter in any caſks for ſale, unleſs ſuch caſk be made of good ſeaſoned oak, aſh, or ſicamore, whereof no part to be bogg-timber, and made tight, that they will hold pickle, with head and bottom equally dooled and ſet to the croſs, with twelve good freſh ſufficient hoops on each caſk, all well twigged with good freſh oſier twiggs, nor before ſuch caſk or caſks ſhall be weighed and branded by ſome weigh-maſter or weigh-maſters by this act nominated, or purſuant to this or the ſaid former act appointed or to be appointed; which weigh-maſter or weigh-maſters, his or their deputy, ſhall be, and are, or is hereby impowered and required to weigh all ſuch empty caſks, and to allow on account of ſoakidge two pounds more on each firkin, that ſhall contain half a hundred weight of neat butter, and four pounds on each caſk containing a hundred weight, and ſo in proportion to the ſize of the caſk; the weight of which empty caſk, with the allowance for ſoakidge as aforeſaid, the ſaid weigh-maſter or his deputy is hereby required to brand on the head, ſide, and bottom of every ſuch empty caſk or caſks, together with the firſt letter of his chriſtian-name and his ſir-name at length, with the name of the place where ſuch weigh-houſe ſhall be kept; and in caſe any weigh-maſter or weigh-maſters, his or their deputy, ſhall weigh or brand any ſuch caſk or caſks not made as aforeſaid, or any perſon or perſons ſhall buy or ſell any caſk or caſks not branded as aforeſaid, the ſaid weigh-maſter, buyer, and ſeller, being thereof lawfully convicted before the chief magiſtrate of the place, or ſome juſtice of the peace of the county or diviſion, where ſuch offence

Butter caſks ſhall be of ſeaſoned oak, aſh, or ſycamore, no bog timber, hold pickle, dooled, hooped, &c. weight and branded.

of beech &c. 12 *G.* 1. 5.

Allowance for ſoakage a lb. per firkin containing half hundred,

which with the weight ſhall be branded on the empty casks, and alſo the name and place.

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offence shall be committed, upon the oath of one or more credible witness or witnesses, (which oath such chief magistrate and justice is hereby impowered to administer,) shall for every such offence respectively forfeit the sum of five shillings; to be levied by warrant under the hand and seal of such chief magistrate or justice of the peace, by distress and sale of the goods of the offender; which warrant the said chief magistrate or justice of the peace is hereby required and impowered to issue; one moiety of which forfeiture shall go to the poor of the parish, and the other to the informer.

If casks not so made are weighed or branded, or bought or sold not so branded, penalty 5s. to the poor and informer.

IX. And be it enacted by the authority aforesaid, That if any weigh-master or his deputy shall mark any cask falsely, as containing more or less than the true weight, the weigh-master by whom, or by whose deputy, any such cask shall be falsely marked, being convicted thereof as aforesaid, shall for every such cask falsely marked forfeit the sum of ten shillings; to be recovered, levied, and distributed in the manner and by the means aforesaid.

Penalty 10s. on weigh-master for marking falsely.

If tallow casks, not so branded, are packed and exposed to sale, &c. penalty 10s.

X. And to the intent that the tare of the tallow casks may be known, be it enacted by the authority aforesaid, that all casks, in which tallow shall be packed or made up, shall before the same be filled or packed, be brought to one of the said publick weigh-houses, where such weigh-master or his deputy attending the same shall brand the true weight of such cask on side, bottom, and top, with the first letter of his christian-name and his sir-name at length, and the place of his abode; and in case any person or persons make up tallow in any cask, and shall expose the same to sale, or attempt to export any tallow, where the casks are not branded as aforesaid, such person or persons shall forfeit for every such cask of tallow the sum of ten shillings *sterling*, to be upon conviction recovered, levied, and distributed in like manner as before mentioned.

Weight of half hundred firkin 10 lb. or not to be branded.

XI. Provided always, That no weigh-master shall weigh and brand as aforesaid any empty firkin or cask, which may contain half a hundred of neat butter, that shall weigh less than ten pounds, and so in proportion for a larger cask; any thing herein contained to the contrary notwithstanding.

Inland weigh-masters not competent judges, nor having such regard to credit of trade.

XII. And whereas the credit and reputation of the trade of this nation is principally intended to be taken care of, by having the several goods and merchandizes herein mentioned sent abroad in good and sufficient order, which is by experience found impracticable, if butter and other goods in the said statute mentioned are to be weighed and branded by inland weigh-masters, who cannot reasonably be presumed to be so competent judges of the quality of such goods, or to have such regard for the credit of the

trade

trade of this nation as weigh-masters, that are to be had at the places of export, and that are immediately under the inspection of the merchants, who export such goods, and for whose credit and advantage it is to have the same sent abroad made up according to law; be it therefore enacted by the authority aforesaid, That from and after the first day of March one thousand seven hundred and twenty three all and every cask or casks of tallow and butter, before the same be sold in or exported from any sea-port town, or place of export within this kingdom, shall be brought to some publick weigh-house of such sea-port town or place of export, by this act or by the said former act appointed or to be appointed, there to be tryed, proved, and weighed by such weigh-master or his deputy, who are hereby required strictly to inspect the same, and, before he or they mark or brand the same, to see that such butter and tallow be merchantable and made up according to the known laws of this kingdom; and, in case any such goods shall not appear to be merchantable or so made up, such weigh-master or weigh-masters, or their deputies, are hereby required and impowered to carry such butter and tallow with the person, who brought the same to be weighed, before some neighbouring justice of the peace, or the chief magistrate of the place, who is hereby impowered to enquire into the same; and if such goods shall upon examination and inspection or due proof appear to him to be unmerchantable, or made up contrary to law, he shall adjudge the said goods forfeited; one moiety to the poor of the parish, and the other to the informer; and if such justice or chief magistrate shall be doubtful of the quality of such butter or tallow, or if either party require the same, such justice or chief magistrate is hereby impowered and required to summon, examine, and hear upon oath, two able merchants of the place in relation to the nature and quality thereof, that he may the better be able to determine concerning the same and when such butter and tallow, so brought to be weighed pursuant to this act, shall appear to such weigh-master or his deputy to be merchantable and made up according to law, such weigh-master or his deputy shall and is hereby required to weigh the same, and to mark on the head and side of each cask the gross weight thereof, and on the side thereof to brand the name of such place of export, together with the first letter of the christian-name and the sir-name at length of such weigh-master, as an office mark.

Butter and tallow, before sold in a sea-port, or exported, shall be brought to weigh-master there and tried;

and if not appearing merchantable, carried before a magistrate, and if so on inspection forfeited to poor and informer.

Two able merchants may be examined on oath as to quality thereof.

Further inforced 12 G. 1. 5. if merchantable, shall be weighed and marked.

XIII. And whereas the small fee given by the before mentioned act for branding empty casks for butter and tallow, and for weighing butter and tallow, has been found by experience not to be a sufficient recompence for the charges, weigh-masters

Fees of weigh-master increased.

A. D. 1723. Chap. 9.

are put to, and the labour requiſite in the execution of their office, nor a reaſonable encouragement for men of underſtanding and probity to undertake the ſame: be it enacted by the authority aforeſaid, That from and after the ſaid firſt day of March in the year of our Lord one thouſand ſeven hundred and twenty three all and every weigh-maſter and weigh-maſters, who are hereby, or who ſhall in purſuance of this act be, appointed, or continue impowered, to weigh and brand empty caſks for butter and tallow, ſhall have and receive from the perſon bringing the ſame to be weighed and branded the ſum of one penny, and no more, for every ſuch empty caſk ſo weighed and branded of any ſize whatſoever; and for the weighing and branding of every barrel, half barrel or firkin, or other caſk of butter, the ſum of one penny, and no more; for every caſk of tallow, the ſum of a half penny *per* hundred neat, and no more; and that upon refuſing to pay the above fees for the aforeſaid goods by the perſons bringing them to be weighed, it ſhall and may be lawful for any weigh-maſter or his deputy to detain ſuch goods or empty caſks until ſatisfaction be made according to the true intent and meaning of this act.

may detain till ſatisfaction.

XIV. And be it further enacted by the authority aforeſaid, That if any weigh-maſter ſhall neglect or refuſe to attend on the days, and during the reſpective times hereby appointed, by himſelf or his deputy, ſuch weigh-maſter ſhall for each offence of himſelf or deputy reſpectively forfeit the ſum of five pounds, to be recovered by him or them, who ſhall ſue for the ſame by civil bill in the ſeveral and reſpective counties, where ſuch weigh-houſe or weigh-houſes are appointed; and in the county of the city of Dublin, and county of Dublin, at the quarter ſeſſions reſpectively, which the juſtices of the peace for the city of Dublin are hereby impowered to hear and determine at the quarter-ſeſſions of the peace for the ſaid city.

Weigh-maſter or deputy not attending, penalty 5 l. by civil bill next aſſizes, or ſeſſions for Dublin.

XV. Provided, That ſuch civil bill be brought at the next aſſizes or quarter-ſeſſions reſpectively.

XVI. And be it enacted by the authority aforeſaid, That every perſon, who ſhall counterfeit or alter the brand or mark of any weigh-maſter, ſhall forfeit the ſum of ten pounds for every ſuch offence, to be recovered by civil bill as aforeſaid by any perſon, who ſhall ſue for the ſame.

Counterfeiting or altering the brand, penalty 10 l. by civil bill.

XVII. And be it enacted by the authority aforeſaid, That from and after the firſt day of March one thouſand ſeven hundred and twenty three if any perſon or perſons ſhall attempt to export, or lay upon any wharf or key in order for exportation, any butter or tallow-caſk or caſks not branded and marked as aforeſaid, ſuch butter and tallow, and the caſks in which the ſame

Butter or tallow attempted to be exported, forfeited if not ſo branded;

are made up, ſhall be forfeited, and may be ſeized by the weigh- A. D.
maſter of the place, or his deputy, and upon due proof ſhall 1723.
be condemned and ſold by the chief magiſtrate of the place, or Chap. 9.
ſome neighbouring juſtice of the peace; and one moiety of the
money ariſing by ſuch ſale, paid to the perſon, who ſhall ſeize the
ſame, and the other moiety to the uſe of the poor of the pariſh,
where ſuch offence ſhall be committed.

and may be ſold for ſeizor and the poor.

XVIII. And to the intent that the ſeveral regulations herein appointed may be ſtrictly obſerved, and faithfully and truly executed in the city of Cork, which is a place of great export, be it enacted by the authority aforeſaid, That Edmond Knapp of the ſaid city, alderman, and Edward Hoare of the ſaid city, alderman, and the ſurvivor of them, ſhall be and are hereby appointed to be weigh-maſter and weigh-maſters of the ſaid city, ſubject to the ſeveral regulations herein before mentioned for the due execution of the ſaid office of weigh-maſter; which ſaid office ſhall and may be executed by them, or the ſurvivor of them, his or their ſufficient deputy or deputies, during the good behaviour of the ſaid Edmond Knapp and Edward Hoare, and the ſurvivor of them.

Cork, a place of great export:

Edmd. Knapp and Edward Hoare, weigh-maſters thereof, ſubect to ſaid regulations,

XIX. Provided always, That the ſaid Edmond Knapp and Edward Hoare, and the ſurvivor of them, ſhall and may be from time to time ſubject and liable to be removed for miſbehaviour in the execution of the ſaid office, committed by them or either of them, or the deputy or deputies of them or either of them, by the mayor, aldermen, and common council of the ſaid city, in ſuch manner as weigh-maſters, appointed by the mayor and aldermen in other cities and towns corporate, are by this act made removeable by ſuch mayor and aldermen; with liberty to the ſaid weigh-maſters, or either of them, who ſhall be ſo removed, of appealing to the juſtice or juſtices of aſſize for the circuit, in which the ſaid city of Cork lies, in his or their next circuit in ſuch manner, as is in other caſes provided for by this preſent ſtatute.

may be removed for miſbehaviour;

like liberty of appeal,

XX. Provided alſo, That if the ſaid Edmond Knapp and Edward Hoare, or either of them, or the ſurvivor of them, ſhall alien, ſell, leaſe, or otherwiſe diſpoſe of the office of weigh-maſter, which by this preſent act is veſted in them, and the ſurvivor of them, to any perſon or perſons whatſoever, that then and in ſuch caſe the ſaid office of weigh-maſter, ſo as aforeſaid granted to them, ſhall ceaſe and determine; and alſo every ſale, grant, or leaſe made by them contrary to the intent of this act ſhall be abſolutely null and void to all intents and purpoſes whatſoever.

their office void on alienation, &c.

XXI. Pro-

A. D. 1723. Chap. 9.

on their death or removal, mayor, &c. may appoint others.

XXI. Provided also, That if the said office of weigh-master for the city of Cork shall become vacant by the death or removal of the said Edmond Knapp and Edward Hoare, or otherwise, then and in every such case it shall and may be lawful to and for the mayor, aldermen, and common council of the said city of Cork, by writing under the common seal of the said corporation to nominate and appoint two other persons to the said office, who after such nomination and appointment shall hold the same to them, and the survivor of them, to be executed by themselves, or the survivor of them, or his or their sufficient deputy or deputies, during the good behaviour of the persons so appointed; subject to the several regulations herein before mentioned for the due execution of the office of weigh-master, and to the same power of removal as is herein before appointed for the said Edmond Knapp and Edward Hoare, and their deputies respectively.

In Dublin, lord mayor, &c. may appoint weigh-masters, subject to same regulations as in Cork.

XXII. And be it further enacted by the authority aforesaid, That the lord mayor, sheriffs, commons, and citizens of the city of Dublin in common council assembled shall and may from time to time appoint one or more weigh-master or weigh-masters for the city of Dublin, for such time, and in such manner, as is herein before directed; who by him or themselves, his or their sufficient deputy or deputies, shall execute the said office, subject nevertheless to the several regulations herein before appointed in relation to the weigh-masters of the city of Cork; any thing in this act contained to the contrary notwithstanding.

All clauses in 8 G. 1. 7. relative to dressing, &c. hides and calve-skins in Dublin and the liberties, and to beef and pork for exportation, and to restrain the taking salmon, continued during continuance of this act.

XXIII. And be it enacted by the authority aforesaid, That all and every the clauses, powers, matters, and things, in the said act, intituled, *An act for the further amendment of the laws in relation to butter and tallow-casks, hides, and other commodities of this kingdom, and for preventing the destruction of salmon*, as far as the same relate to the dressing, salting, making up, weighing and selling of hides in the city of Dublin, and in the liberties of Saint Sepulchers, Thomas-Court, and Donore, and to the dressing of calf-skins in the said city and liberties; and also as far as the same relate to casks in which beef or pork are made up for exportation; and also as far as the same relate to restrain any sort of fishing for salmon, or the use of any instruments or nets, which may destroy salmon or salmon-fry, or to the taking or killing of salmon between the first day of August and the first day of February, shall continue and remain in full force during the continuance of this present act, and no longer.

Weigh-master in Dublin and liberties shall take one halfpenny every hide.

XXIV. Provided always, That every weigh-master in the said city of Dublin, and in the said liberties of Saint Sepulchers, Thomas-Court, and Donore, shall and may take and receive the sum of

of one half penny and no more, for viewing and weighing of every hide. A. D. 1723.

XXV. Provided always, That this preſent act ſhall continue and remain in force for the ſpace of ſeven years, and from thence to the end of the then next ſeſſion of Parliament, and no longer.

Continuance of this act 7 years, &c. *explained and amended* 12 *G.* 1. 5. *and* 13 *G.* 2. 12, *and continued by* 1 *G.* 2. 17. *and* 5 *G.* 2. 6. *and* 13 *G.* 2. 12. *and by* 21 *G.* 2. 7. *with the ſeveral alterations and amendments to* 29 *Sept.* 1769. *&c.*

CHAP. X.

An act for regulating abuſes committed in buying and ſelling of cattle and ſheep in the ſeveral markets in this kingdom.

WHEREAS ſeveral abuſes frequently happen in the markets of Smith-field in Dublin and elſewhere in this kingdom by perſons, who undertake to ſell cattle or ſheep, commonly called ſaleſmen, by combining with butchers and others, and under-ſelling the cattle or ſheep of their employers, and by their breaking and running away with the money the ſaid cattle or ſheep are ſold for, and by the great intereſt the ſaid perſons have in the ſaid markets with the butchers and others, it is difficult for any perſon to ſell his own cattle or ſheep, but ſuch perſons are under a neceſſity to employ ſome of the ſaid ſaleſmen: and whereas by opening the ſaid market of Smithfield at unſeaſonable hours, and by ſelling cattle or ſheep in winter time before day, very often ſtolen cattle or ſheep are ſold, and, when once drove out of the ſaid market, it is hard to find them out: for remedy whereof, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of February one thouſand ſeven hundred and twenty three the ſaid markets of Smithfield, and all other markets in this kingdom for the ſale of cattle or ſheep as aforeſaid, ſhall not be opened, or the cattle or ſheep expoſed to ſale before the hour of ſix in the morning from Lady-day till Michaelmas, nor before the hour of eight in the morning from Michaelmas till Lady-day, at which hours the market-bells ſhall toll to give notice thereof; and that no butcher or other perſon ſhall buy or contract for cattle or ſheep on the road coming to market within ſix miles of ſuch market; but that all ſuch cattle or ſheep ſhall be publickly ſold in the ſaid markets after the hours before mentioned,

Altered and amended 23 *G.* 2. 15.

Abuſes in markets by combination of ſaleſmen with butchers;

and by ſelling ſtolen cattle in Smithfield at unſeaſonable hours.

Markets ſhall not be opened for ſale of cattle before 6 from Lady day, nor before 8 from Michaelmas:

Market bells to toll.

Cattle not to be bought on the road within 6 miles of market, but publickly ſold in market.

A. D. 1723. Chap. 10.

tioned; and that every perſon or perſons, acting contrary to the true intent and meaning of this act, ſhall forfeit the ſum of ten pounds, to be paid to the informer, and to be recovered by civil bill in ſuch courts, where proceedings by civil bill may by law be had and made; and that any perſon or perſons, taking upon him or them to ſell cattle or ſheep in the ſaid market of Smithfield as a ſaleſman as aforeſaid, ſhall enter into and give good and ſufficient ſecurity by way of recognizance before the lord mayor of the city of Dublin for the time being, to be approved of by the ſaid lord mayor, who is hereby empowered to take the ſame, in the penalty of five hundred pounds; which recognizance ſhall be lodged in the Tholſel-office to be peruſed and made uſe of, as occaſion ſhall require, without fee or reward, and ſhall be made with condition, That ſuch ſaleſman or ſaleſmen ſhall and will faithfully and honeſtly account for and pay ſuch ſum or ſums of money, which he or they ſhall ſell any cattle or ſheep for, which ſhall be ſent to him or them to be ſold; and that ſuch ſaleſmen ſhall make ſuch ſale publickly and openly without fraud or deceit; and that any perſon acting as a ſaleſman, not having given ſuch ſecurity as is herein before directed, ſhall for every ſuch offence forfeit the ſum of ten pounds, to be paid to the informer, and to be recovered in manner aforeſaid.

Penalty 10 l. to informer, by civil bill.

Saleſmen in Smithfield to give recognizance 500 l. before lord mayor, lodged in Tholſel, to account honeſtly and pay the money, and to ſell openly without fraud. 23 G. 2. 15.

II. And be it enacted by the authority aforeſaid, That every ſuch ſaleſman ſhall at the time, that he ſhall account with his principal for any cattle by him ſold, give a note ſigned by him, in which ſhall be inſerted the names of the buyers of ſuch cattle, and the ſum or ſums of money they were ſold for; and in caſe the owner or owners of ſuch cattle ſhall think him or themſelves aggrieved or defrauded by the ſaid ſaleſmen, then it ſhall and may be lawful to and for the lord mayor of the city of Dublin for the time being, or any other magiſtrate within the ſaid city or liberties thereof, at the requeſt of the parties aggrieved, to ſummon the buyers of ſuch cattle ſo ſold, and to examine on oath ſuch buyers, or other perſon or perſons, as they ſhall think proper, in relation to the ſale of the ſaid cattle; and if upon examination it ſhall be found, that ſuch ſaleſman ſhall have committed any fraud in not juſtly accounting and paying for ſuch cattle ſold as aforeſaid, the lord mayor for the time being, or other magiſtrate, is hereby required to bind over ſuch ſaleſmen to appear in his Majeſty's court of King's-bench the firſt day of the next following term, or at the quarter-ſeſſions for the city of Dublin, which ſhall firſt happen, in order to be proſecuted as a common cheat, and the recognizance ſhall alſo be put in ſuit againſt ſuch ſaleſman and his ſureties, for the making ſatisfaction to the party

and when he accounts ſhall give a note, with names of buyers and the ſums received,

any magiſtrate may ſummon and examine on oath as to the ſale;

and if fraud found in ſaleſman, may bind over to B. R. or quarter-ſeſſions to be proſecuted as a cheat:

Recognizance to be alſo put in ſuit,

party or parties aggrieved, for the damages he or they ſhall by ſuch fraud have reſpectively ſuſtained; and ſuch ſaleſman ſhall enter into a new recognizance with like ſureties, and under the like conditions, before he ſhall be permitted to act as a ſaleſman as aforeſaid, under the like penalties as are herein before inflicted on a perſon acting as a ſaleſman without giving ſuch ſecurity. A. D. 1723. Chap. 10.

and ſaleſman to give new recognizance before he acts. 23 G. 2. 15.

III. Provided always, and it is the true intent and meaning of this act, That nothing herein contained ſhall hinder or prevent any perſon or perſons, or thoſe, whom he or they immediately imploy (other than and except ſuch ſaleſman as aforeſaid) from ſelling his or their cattle without any the reſtrictions aforeſaid.

not to hinder perſons, or thoſe immediately employed, (except ſuch ſaleſman) from ſelling their cattle without ſaid reſtrictions.

IV. And be it further enacted by the authority aforeſaid, That if any ſuch ſaleſman or ſaleſmen as aforeſaid, or any other perſon employed by them, ſhall uſe any means or contrivance to hinder the owner or owners of cattle, or his or their ſervant or ſervants, from ſelling his or their own cattle in the ſaid market, and the ſame ſhall be proved before the lord mayor of the city of Dublin for the time being, or ſuch magiſtrate as aforeſaid, he or they ſhall for every ſuch offence forfeit the ſum of forty ſhillings, to be forthwith levied by diſtreſs and ſale of the goods and chattels of ſuch offender by warrant of the ſaid lord mayor, or other magiſtrate as aforeſaid, and paid to the uſe of the poor of the ſaid city, returning the overplus; and, in default of payment and of ſufficient diſtreſs, the offender to be publickly whipt in the ſaid market, by vertue of ſome warrant under the hand and ſeal of the ſaid lord mayor, or ſuch magiſtrate as aforeſaid.

Saleſmen endeavouring to hinder owners from ſelling,

penalty 40s. or to be whipt.

V. And whereas butchers and other perſons, buying cattle in the country to carry to be ſlaughtered, are often under a neceſſity to hire ſtrangers to drive the ſaid cattle, who for private advantage often exchange and diſpoſe of ſome of the beſt of the ſaid cattle, and put much worſe in their ſtead, and it is often practiſed by perſons, that fell parcels of cattle to butchers and others for ſlaughtering, that they do after ſuch ſale exchange part of the cattle ſo ſold for thoſe of a much leſs value: for remedy whereof, be it further enacted by the authority aforeſaid, That if any ſuch perſon or perſons ſhall knowingly exchange any ſuch cattle in manner as aforeſaid, he or they ſhall be deemed a common cheat or cheats, and ſhall ſatisfie and pay to the party aggrieved treble the damages by him or her ſuſtained; to be recovered by action of debt, bill, plaint, or information, in any of his Majeſty's courts of record at Dublin, wherein no eſſoign, protection, or wager of law ſhall be allowed, nor any more than one imparlance.

Drivers of cattle to ſlaughter, or vender thereof, exchanging them for worſe, deemed cheats, and to pay treble damages.

VI. And

A. D. 1723.

Seller may diſpoſe of the cattle again if left on his hands above 5 days after the time agreed, and buyer to pay the damages. 2 *Anne* 15.

VI. And whereas it often happens, that butchers and others buying ſheep and cattle from graziers, notwithſtanding they agree to take the ſaid cattle away at a certain day, yet leave them on the grazier's hands for a conſiderable time longer; which not only prevents the grazier from making ſale of his cattle again, but likewiſe prevents their bringing ſtore-cattle in their room, to the great damage of the grazier: for remedy whereof, be it further enacted by the authority aforeſaid, That if any butcher or other perſon, buying ſheep or cattle as aforeſaid, ſhall leave them on the grazier or ſellers hands longer than five days after the time limited and appointed to take off ſuch ſheep or cattle, that then after the expiration of the five days aforeſaid the owner of ſuch ſheep or cattle is hereby empowered to ſell and diſpoſe of his ſaid ſheep and cattle again, and the butcher or buyer of ſuch cattle ſhall be obliged to pay all damages, ſuſtained by the ſaid owners of ſuch cattle on account of his or their not taking them away according to agreement.

Continuance 2 years, &c. *Continued* 11 G. 2. 13. & 19 G. 2. 15. & 21 G. 2. 7. & *by* 23 G. 2. 8. *continued 4 years, &c. and ſo far as not altered or amended by* 23 G. 2. 15. *thereby continued 2 years, &c. from* 1 *June* 1750. *made perpetual* 29 G. 2. 8.

VII. And be it further enacted by the authority aforeſaid, That this act ſhall be publickly read at the next ſpring quarter ſeſſions of the peace in the city of Dublin, and every county in this kingdom.

VIII. Provided, That this act ſhall ſtand and be in force for the ſpace of two years, and from thenceforth to the end of the next ſeſſion of Parliament, and no longer.

CHAP. XI.

An Act for the relief of inſolvent debtors.

10 *W.* 3. 1. 6 *Anne* 13. 9 *Anne* 10. 2 G. 1. 23. 6 G. 1. 17. 10 G. 1. 11. 1 G. 2. 25. 9 G. 2. 20. 23 G. 2. 17. 29 G. 2. 17. 1 G. 3. 16.

FORASMUCH as great numbers of perſons, now detained in cuſtody in priſon, are reduced to very great poverty through many misfortunes, that have attended them, whereby they are diſabled from giving ſatisfaction to their creditors, and by being detained in priſon are rendred uſeleſs, and a burthen to this kingdom: be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all perſons, who were actually confined in priſon by legal commitments or proceſs, without fraud or colluſion with their creditors or others, upon the twenty fifth day of March one thouſand ſeven hundred and twenty three, and who have ever ſince ſuch commitment continued in priſon upon any action or actions, or meſne proceſs, for debt or other actions whatſoever, which may become judgments, or who have judgment or judgments entered upon record againſt them, or are charged in execution, or impriſoned upon attachments for debt, or other action or actions, or upon outlawry or outlawries before or after judgment for debt, caſe, or treſpaſs, or upon any other proceſs whatſoever iſſued out of any court of law or equity for debt, damages, or coſts, who ſhall take the oath, and perform all and ſingular matters and things herein after mentioned, ſhall and may be releaſed and diſcharged from their

1 *Anne* 25. *Eng.* 2 and 3 *Anne* 16. *Eng.* 6 G. 1. 22. *Eng.* 11 G. 1. 21. *Eng.* 2 G. 2. 20. *Eng.* 21 G. 2. 31. *Eng.* 28 G. 2. 13. *Eng.* 29 G. 2. 18. *Eng.*

their imprisonment, and the debts owing by them, in such manner as herein after is provided.

II. And be it enacted, That it shall be lawful for any justice of the peace of any county, city, town, or liberty, within this kingdom by warrant under his hand and seal to require the sheriff or sheriffs, goaler or goalers, or keeper of any prison, within his or their respective jurisdictions, to bring before the justices of the peace at the next quarter-sessions for the respective county, city, town, or liberty, the body of any person, being in prison for debt, or upon any other action or process as aforesaid, on the day aforesaid, and who shall petition such justice of the peace to be discharged; which warrant every such sheriff, goaler, or keeper, is hereby commanded to obey under the pain and forfeiture of twenty pounds *sterling* for every delay, neglect, or refusal, to be paid to the prisoner obtaining such warrant; and to be recovered of any such sheriff, goaler, or keeper of any prison, by action of debt, bill, plaint, or information, wherein no essoign, protection, or wager of law, or more than one imparlance shall be allowed; and such prisoner, coming before such justice of the peace at the said sessions, shall in open court take and sign an oath to the effect following:

I A. B. do upon my corporal oath in the presence of Almighty God solemnly swear, profess, and declare, that I am not worth in land, money, stock, or any other estate real or personal, in possession, reversion, or remainder, to the value of five pounds sterl. in the whole, over and above the effects contained in a schedule now delivered in by me, or sufficient to pay the debt or damage for which I am imprisoned; and that I have not directly or indirectly sold, leased, or otherwise conveyed, disposed of, or intrusted all or any part of my land, money, goods, stock, or estate, whereby to secure the same, to receive or expect any profit or advantage thereof, or to defraud or deceive any creditor or creditors, to whom I am indebted; and that there are not, nor is to my knowledge or belief, any lands, tenements, or hereditaments, goods, chattels, debt, or other interest whatsoever, assigned or conveyed to any person or persons whatsoever in trust for me, or my wife, or any child, or any other person, which is any way subject to my order, or under my power; or by which I am any way intituled to any benefit or advantage, other than what is contained in the said schedule now delivered in by me; and that I was actually a prisoner within the prison of at the suit of and have so continued until this day.

So help me God.

III. And be it further enacted by the authority aforesaid, That the justice of the peace, who shall grant such warrant for bringing such prisoner before the justices of the peace at their next sessions, shall without fee or reward give a writing, importing notice to the creditor or creditors under his hand and seal, that he has granted such warrant, and that the prisoner has petitioned him to be discharged; and the said summons or notice shall be left with or served upon such person or persons, his or their executors, administrators, attorneys, or agents, lawfully authorized, to be left at the dwelling-house or usual place of abode, to whom the prisoner shall stand indebted, at least twenty days before such quarter-sessions; thereby appointing as well the said persons, as the said prisoner, to appear before the justices at the next general sessions of the peace to be held for the same county, city, town, or liberty; and when it shall appear upon oath before the said justices, that the said summons was so served or left twenty days or more before the said sessions, and the said oath, taken by the said prisoner, be not disproved by good testimony of any credible person upon oath (to be administered by the said justices of the peace) then such justices of the peace in their said sessions, being satisfied therewith, shall thereupon without fee or reward by their warrant command the sheriff, goaler, or keeper, of any prison to set at liberty the prisoner, paying

to the marſhal or keeper of ſuch priſons, where he is confined, ſuch fees, and ſuch ſum for lodging or chamber-rent, as by law he is intitled unto; which warrant ſhall be a diſcharge to the ſheriff, goaler, or keeper of any priſon, and indemnify them againſt any eſcapes.

IV. And be it further enacted by the authority aforeſaid, That no priſoner, that ſhall be diſcharged by vertue of this act, ſhall at any time hereafter be impriſoned for any debt, damages, or coſts, for which he, ſhe, or they were committed to priſon before the twenty fifth day of March one thouſand ſeven hundred and twenty three, or for any debt or damages, which he, ſhe, or they had contracted, or were by him, her, or them, owing and due before the ſaid twenty fifth day of March; and, that upon any arreſt for ſuch debt or damages, it ſhall and may be lawful to and for him, her, or them, ſhewing a duplicate of his, her, or their diſcharge, which he, ſhe, or they are to have without fee, to retain an attorney to appear for him, her, or them, and file common bail only, and no more to be required to every action, and plead thereunto that he, ſhe, or they, were diſcharged by virtue of this act, without ſetting forth any of the matters and things required to be performed by this act, it being to be left to the plaintiff to ſhew any failure therein by his replication, if he ſhall think fit; ſo that the plaintiff, if he pleaſes, may recover and enter up judgment againſt ſuch priſoner, to be executed and levied upon the lands, tenements, goods, and chattels of ſuch priſoner (his or her wearing apparel, and neceſſary furniture for his or her dwelling houſe, and the furniture or neceſſary tools for his or her occupation, not exceeding in the whole five pounds, and ſuch goods as he or ſhe hath had or ſhall have upon freſh credit, after ſuch his or her diſcharge, only excepted) but not upon his, her, or their perſon, which ſhall for ever hereafter be freed and diſcharged from impriſonment for any ſuch debt, damages, or coſts, for which they were confined, nor which was contracted, due, and owing by them before the ſaid twenty fifth day of March.

V. And be it further enacted That if any ſheriff, goaler, or keeper of any priſon, ſhall refuſe or delay to bring the priſoner to the quarter ſeſſions in order to his diſcharge, or detain the priſoner, after he ſhall be diſcharged, his fees, lodging, or chamber-rent, being paid as aforeſaid, every ſuch ſheriff, goaler, or keeper of ſuch priſon, ſhall forfeit and pay the priſoner twenty pounds; to be recovered by civil bill before the judge or judges of aſſize, or before ſuch judge or King's council as ſhall hold ſeſſions in the county of Dublin, or by bill, plaint, or information, in any of his Majeſty's courts, where no eſſoign, protection, or wager of law ſhall be allowed; and alſo ſhall be liable to ſuch fine, not exceeding five pounds, as the juſtices of the peace in their diſcretion ſhall think fit to impoſe.

VI. And be it further enacted by the authority aforeſaid, That upon any action of eſcape, or other ſuit, to be brought againſt any juſtice of the peace, ſheriff, goaler or keeper of any priſon, for doing their office in purſuance of this act, they may plead the general iſſue, and give this act in evidence; and if the plaintiff be nonſuited, or ſhall diſcontinue his action, or verdict paſs againſt him, or judgment be given againſt him upon demurrer, the defendant ſhall have treble coſts.

VII. Provided, That the diſcharge of any perſon ſhall not acquit any other, jointly or ſeverally bound for the ſaid debt or debts, or any part thereof, either as principal or ſecurity; but that every ſuch perſon or perſons ſhall be anſwerable for the ſaid debt or debts, and damages, in ſuch manner as they were before.

VIII. And be it further enacted by the authority aforeſaid, That this act ſhall not extend to diſcharge any perſon in execution for any fine on him or her impoſed for any offence, committed or done againſt the King's Majeſty.

IX. Provided, That every priſoner on meſne proceſs, if it ſhall be deſired by any creditor, before the juſtice of the peace, to whom the priſoner ſhall apply for his diſcharge, ſhall forthwith give a warrant to ſome attorney to appear and file common bail, and receive a declaration; and ſuch priſoner ſhall thereupon have the full benefit of this act, as to the liberty of his or her perſon upon the ſaid meſne proceſs, and againſt any judgment or execution, that ſhall be had againſt him or her

her in ſuch ſuit, that ſhall be brought againſt him or her, to all intents as fully as if he or ſhe had been charged in execution the ſaid twenty fifth day of March one thouſand ſeven hundred and twenty three: but ſuch perſons, being in priſon upon ſuch meſne proceſs, in ſuch caſe of refuſal to give ſuch warrant of attorney, ſhall loſe the benefit of this act.

X. And be it enacted by the authority aforeſaid, That every priſoner, before he or ſhe ſhall be diſcharged, ſhall make oath before ſuch juſtice of the peace, to whom the priſoner ſhall apply for his diſcharge, of what effects are belonging to him or her, or in truſt for him or her, or over which he or ſhe hath any power, or out of which he or ſhe is intitled to any advantage or benefit either in law or equity, and of what debts are owing to him or her, and by whom, and for what cauſe, and upon what ſecurity, and ſhall make a ſchedule thereof in the preſence of the juſtices, and ſubſcribed by the priſoner; which ſhall be returned by the juſtices to the next ſeſſions, there to remain for the better information of the creditors of ſuch priſoner; and alſo ſhall be obliged before his diſcharge to aſſign ſuch debts or ſecurities to the clerk of the peace of ſuch county, city, town, or liberty, where he or ſhe ſhall be diſcharged, in truſt and to the ſole uſe and benefit of his or her creditors; they indemnifying ſuch clerk of the peace from all coſts and charges in law and equity; by vertue of which aſſignment all ſuch debts and ſecurities ſhall be actually veſted in ſuch clerk of the peace, ſubject to ſuch truſt as aforeſaid; and the ſaid creditors, or ſuch of them as will join, may thereupon ſue for ſuch debts, or ſo much thereof as will reaſonably ſatisfy them, in the name of ſuch clerk of the peace; and, after the ſame ſhall be recovered and received, ſhall render the overplus to the priſoner, ſuch clerk of the peace being firſt indemnified, and the debts and charges of ſuch creditors firſt deducted.

XI. And be it enacted by the authority aforeſaid, That any perſon, who ſhall be diſcharged by this act, having taken the above mentioned oath, and ſhall hereafter be lawfully convicted by indictment, that he, ſhe, or they, have not fully and truly diſcovered, diſcloſed, and inſerted in the ſchedule dilivered in and ſigned by them at the time of their diſcharge, all their goods, wares, merchandizes, money, effects, eſtate real or perſonal, whether in poſſeſſion, reverſion, or remainder, to the beſt of his, her, or their knowledge, as is in and by the oath above mentioned more fully expreſſed, ſhall ſuffer as a felon without benefit of clergy.

XII. Provided always, and be it enacted by the authority aforeſaid, That if any perſon or perſons ſhall by reaſon of this act incur the penalty of felony, that then ſuch felons goods and eſtate ſhall go to, and be divided amongſt, his creditors; any law, uſage, or cuſtom, to the contrary notwithſtanding.

XIII. And for the better diſcovery of all ſuch priſoners eſtate, be it enacted by the authority aforeſaid, That all and every perſon and perſons, who ſhall have accepted of any truſt or truſts, and conceal and protect any eſtate real or perſonal, of any priſoner diſcharged by this act as aforeſaid, from his, her, or their creditors, and ſhall not, within ten days after notice thereof given in writing by any creditor or creditors of ſuch priſoner, diſcover and diſcloſe ſuch truſt and eſtate by notice in writing, to be filed with the clerk of the peace of ſuch county, city, town or liberty, where ſuch priſoner was diſcharged by this act, and thereby fully ſetting forth all the ſaid eſtate, whether real or perſonal, ſo intruſted with him or them, ſhall for every ſuch default, or wilful omiſſion, forfeit the ſum of twenty pounds, and double the value of the eſtate either real or perſonal ſo concealed, to and for the uſe and benefit of the ſaid creditors; to be recovered by action of debt at the expence of the creditors in any of his Majeſties courts of record in the name of ſuch clerk of the peace for the county, city, town, or liberty, to whom the priſoner had aſſigned all his effects as delivered in his ſchedule as aforeſaid; in which caſe coſts ſhall be allowed to either party, as in other caſes is uſed.

XIV. Pro-

A. D. 1723. Chap. 11.

XIV. Provided always, That no perſon, who ſhall ſtand charged [illegible] or be in cuſtody on any proceſs at the ſuit of any ſuch perſon [illegible] two hundred pounds principal money really due, or at the ſuit of any ſuch perſons for more than four hundred pounds principal money really due, ſhall be diſcharged by vertue of this act; any thing to the contrary [illegible] ſtanding.

XV. Provided always, and be it further enacted by the authority aforeſaid, That nothing herein contained ſhall extend, or be conſtrued to extend, to give any benefit, eaſe, diſcharge, or releaſe to Daniel Donelly, late of the city of Dublin, ſadler, or Paul *alias* Walter Bayly, now priſoners in the cuſtody of the marſhal of the Four-courts, who have ſeverally impoſed ſcandalouſly, as they are charged, defrauded, their creditors.

XVI. Provided alſo, and be it further enacted by the authority aforeſaid, That this act, or any thing therein contained, ſhall not extend unto the diſcharge of Thomas Grace, now in cuſtody of the marſhal of the Four-courts Dublin at the ſuit of the executors of Henry Lumley eſquire, deceaſed, but that he the ſaid Thomas Grace ſhall be and continue in goal as [illegible] as if this act had never been made.

XVII. Provided alſo That nothing herein contained ſhall extend, or be conſtrued, conſtrued, or taken to extend, to give any benefit, eaſe, diſcharge, or releaſe to any perſon or perſons whatſoever, now in cuſtody of any marſhal or goaler within this kingdom of Ireland at the ſuit of any perſon or perſons, body corporate or politick, for rent, or arrears of rent which became due and payable on of any lands, tenements, or hereditaments, where he, ſhe, or they owing ſuch rent or arrears of rent, or any other perſon or perſons deriving by, from, or under him, her, or them, is or are in poſſeſſion of all or any of ſuch lands, tenements, or hereditaments, or to any perſon or perſons now in cuſtody as [illegible] of any perſon or perſons, bodies corporate or politick, for any maſh or offence, or for any publick money received by any perſon or perſons whatſoever, [illegible] tody for the ſame.

THE

A. D.
1785.

THE TWELFTH YEAR. OF GEORGE I.

CHAP. I.

An Act for granting and continuing to his Majesty the additional duties on beer, ale, strong waters, tobacco, and other goods and merchandizes: and also upon all sorts of wine, strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine; and also for granting and continuing the further additional duties on beer, ale, aqua vitæ, and strong waters, brewed and made in this kingdom; and upon brandy or spirits above proof; and on tea, coffee, chocolate, and cocoa-nuts; and also for granting a further additional duty upon brandy or spirits above proof; and also a tax on all salaries, profits of employments, fees, and pensions therein mentioned: and for securing the re-payment of fifty thousand pounds sterling, *formerly advanced to his Majesty for the use of the publick, together with the interest thereof.*

WE your Majesty's most dutiful and loyal subjects, the commons of Ireland in Parliament assembled, being highly sensible of your Majesties tender regard for the security and welfare of this kingdom, in grateful acknowledgment thereof, and for the better support of your Majesty's government, and securing the repayment of that debt, which was contracted to enable your Ma-

Chap. 7.

1 G. 1. 1.

2 G. 1. 1.

The additional duties on beer, &c. granted by 2 G. 1. 1. and continued from time to time, further continued to 25 Dec. 1727.

2 G. 1. 3.

4 G. 1. 2.

additional duties, rates, and impositions for and upon beer, ale, mum, cyder, perry, and other goods and merchandizes, which in and by one act of Parliament made and paſſed in the firſt year of his Majeſty's reign, intituled, *An act for granting to his Majeſty an additional duty on beer, ale, ſtrong waters, cyder, and other goods and merchandizes*, were granted unto his Majeſty, or chargeable in manner therein mentioned, from the twenty fifth day of November one thouſand ſeven hundred eighteen, during the reſidue of the Eighteen months in the other act made and paſſed in the ſecond year of his Majeſty's reign were continued until the twenty firſt day of November in the year of our Lord one thouſand ſeven hundred and ſeventeen inclusive; and which by one act made and paſſed in the fourth year of his Majeſty's reign were continued until the twenty firſt day of November in the year of our Lord one thouſand ſeven hundred and twenty inclusive; and which by another act paſſed in the ſixth year of his Majeſty's reign were continued until the twenty fifth day of December one thouſand ſeven hundred and twenty ſeven inclusive; and which by one other act made and paſſed in the eighth year of his Majeſty's reign were continued until the twenty fifth day of December one thouſand ſeven hundred and twenty three inclusive; and which by one other act made and paſſed the laſt ſeſſion of Parliament in the ninth year of his Majeſties reign, intituled, *An act for granting and continuing to his Majeſty the additional duties on beer, ale, ſtrong waters, cyder, and other goods and merchandizes, and alſo upon all ſorts of wine, ſtrong waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine, and alſo for granting and continuing the further additional duties on beer, ale, aqua vitæ, and ſtrong waters, brewed and made in this kingdom, and upon brandy or ſpirits above proof, and on tea, coffee, chocolate, and cocoa-nuts, and alſo a tax on all ſalaries, profits of employments, fees, and penſions therein mentioned, and for ſecuring the re-payment of fifty thouſand pounds ſterling, formerly advanced to his Majeſty for the uſe of the guards, together with the intereſt thereof*, were granted and continued until the twenty fifth day of December one thouſand ſeven hundred and twenty five inclusive, be further granted, paid, continued, levied, collected, and paid, unto his Majeſty, his heirs and ſucceſſors, from the ſaid twenty fifth day of December one thouſand ſeven hundred and twenty five, until the twenty fifth day of December, which will be in the year of our Lord one thouſand ſeven hundred and twenty ſeven inclusive.

II. And be it further enacted by the authority aforeſaid, That the ſeveral and reſpective additional rates, duties, and impoſitions for and upon all ſorts of wines, and ſtrong waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine, imported into this kingdom, which in and by one act of Parliament made and paſſed in the ſecond year of his Majeſty's reign, intituled, *An act for granting unto his Majeſty an additional duty on all wines and ſtrong waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine, and alſo a tax on all ſalaries, profits of employments, fees, and penſions therein mentioned*, were granted unto his Majeſty, or chargeable in manner therein mentioned, until the twenty firſt day of November one thouſand ſeven hundred and ſeventeen inclusive; and which by an act made and paſſed in the fourth year of his Majeſty's reign, intituled, *An act for adding to his Majeſty an additional duty on all wines and ſtrong waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine, and alſo a tax on all ſalaries, profits of employments, fees, and penſions, therein mentioned, and for granting a further additional duty on ale, beer, and ſtrong waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine, and for ſecuring the re-*

payment

inclusive; with power for receivers general, and all other officers, to break open all doors, warehouses, and other places, for the taking an account of, and seizing all wines, and other liquors, and all utensils, and implements for making, keeping, and selling of wines, and strong waters, and other liquors, and all the wines, and other liquors, and utensils, and implements aforesaid, that shall be found concealed, and not accounted for, according to the true intent and meaning of this act, and of the said recited acts, or any of them; and that all the duties, forfeitures, and penalties, arising by this act, or any of the said recited acts, or any of them, shall be recovered, mitigated, and disposed of, in such manner and form, and by such ways and means, as are directed and appointed by the said recited acts, or any of them, for the recovery, mitigation, and disposition of the duties, forfeitures, and penalties, thereby granted, or any of them.

II. And be it further enacted by the authority aforesaid, That the several additional duties upon all sorts of wines, and strong waters, and other liquors, and all utensils and implements for making, keeping, and selling of wines, and strong waters, and other liquors, and upon brandy or spirits above proof imported from any part beyond the seas made and passed in the fourth year of his Majesty's reign, intituled, *An act for continuing to his Majesty an additional duty on all wines and strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine, and also for granting a further additional duty on ale, beer, and strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine, and also for granting and continuing the further additional duties on beer, ale, strong waters, and spirits made in this kingdom, and upon brandy or spirits above proof; and on tea, coffee, chocolate, and cocoa-nuts, and also a tax on all salaries, profits of employments, fees, and pensions therein mentioned, and for securing the repayment of fifty thousand pounds sterling, formerly advanced to his Majesty for the use of the publick, together with the interest thereof*, which were granted and continued until the twenty fifth day of December one thousand seven hundred and twenty five inclusive, be further granted, continued, raised, levied, collected, and paid to his Majesty, his heirs and successors, from the said twenty fifth day of December one thousand seven hundred and twenty five, until the said twenty fifth day of December, which will be in the year of our Lord one thousand seven hundred and twenty seven inclusive.

Additional duties granted by 1 G. 1. 3. and continued, further continued to 25 Dec. 1725.

III. And be it further enacted by the authority aforesaid, That for the better levying and collecting the several rates and duties hereby granted and continued, and also for a further supply to his Majesty, all and every the rules, directions, powers, and authorities, relating to brewers mixing their beer and ale, and distillers distilling of strong waters, and all penalties and forfeitures arising thereby and therefrom, given and granted in and by the before mentioned act passed in the fourth year of his Majesty's reign, intituled, *An act for continuing to his Majesty an additional duty on all wines and strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine, and also a tax on all salaries, profits of employments, fees, and pensions, therein mentioned, and for granting a further additional duty on ale, beer, and strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine, and for securing the repayment of fifty thousand pounds sterling, formerly advanced unto his Majesty for the use of the publick, together with the interest thereof*, which were to continue from the twenty first day of November one thousand seven hundred and seventeen until the twenty first day of November one thousand seven hundred and nineteen inclusive, and which were further granted and continued from the said twenty first day of November one thousand seven hundred and nineteen until the twenty fifth day of December one thousand seven hundred and twenty one inclusive, by the before mentioned act passed in this kingdom in the sixth year of his Majesty's reign, and which were further granted and continued from the said twenty fifth day of December one thousand seven hundred and twenty one until the twenty fifth

4 G. 1. 2.

fifth day of December one thouſand ſeven hundred and twenty three inclu-ſive, by the before mentioned act paſſed in the eighth year of his Majeſties reign, and which were further granted and continued from the ſaid twenty fifth day of December one thouſand ſeven hundred and twenty three until the twenty fifth day of December one thouſand ſeven hundred and twenty five inclusive, by the before mentioned act paſſed in the laſt ſeſſions of this preſent Parliament, ſhall be and continue in full force to all intents and purpoſes from the ſaid twenty fifth day of December one thouſand ſeven hundred and twenty five until the twenty fifth day of December, which will be in the year of our Lord one thouſand ſeven hundred and twenty ſeven inclusive.

Additional duty on brandy, &c. 3 s. and 4 d. *per* gallon.

IV. And be it enacted by the authority aforeſaid, That for the further ſupply, to be granted to his Majeſty from and after the twenty fifth day of December one thouſand ſeven hundred and twenty five until the twenty fifth day of December, which will be in the year of our Lord one thouſand ſeven hundred and twenty ſeven inclusive, there ſhall be raiſed, collected, levied, and paid unto his Majeſty, his heirs and ſucceſſors, throughout this his Majeſties kingdom of Ireland, for and upon all brandy or ſpirits above proof, that ſhall be imported into this kingdom during the time aforeſaid; the further additional duty herein after mentioned, (that is to ſay) for every gallon of ſuch brandy or ſpirits above proof the ſum of three ſhillings and four pence, and ſo proportionably for a greater or leſſer quantity.

6 G. 1. 4.

V. And be it further enacted by the authority aforeſaid, That the ſeveral additional rates and duties upon all coffee, tea, chocolate, and cocoa-nuts, granted by the before mentioned act paſſed in this kingdom in the ſixth year of his Majeſty's reign, intituled, *An act for continuing to his Majeſty the additional duties on beer, ale, ſtrong waters, tobacco, and other goods and merchandizes, and alſo on all ſorts of wines, ſtrong waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine, and alſo a tax on all ſalleries, profits of imployments, fees, and penſions therein mentioned, and for continuing the further additional duty on ale, beer, and ſtrong waters and ſpirits perfectly made, and upon ſpirits made and diſtilled of wine, and for granting an additional duty on molaſſes, treacle, tea, coffee, chocolate, and cocoa-nuts, and for ſecuring the re-payment of fifty thouſand pounds* ſterling, *formerly advanced unto his Majeſty for the uſe of the publick, together with the intereſt thereof*, from the firſt day of September one thouſand ſeven hundred and nineteen until the twenty fifth day of December one thouſand ſeven hundred and twenty one inclusive, and which were further granted from the ſaid twenty fifth day of December one thouſand ſeven hundred and twenty one until the twenty fifth day of December one thouſand ſeven hundred and twenty three inclusive, and which were further granted by the before mentioned act paſſed the laſt ſeſſion of this preſent Parliament from the twenty fifth day of December one thouſand ſeven hundred and twenty three until the twenty fifth day of December one thouſand ſeven hundred and twenty five inclusive, be further granted, and continued, levied, raiſed, and paid, to his Majeſty, his heirs and ſucceſſors, from the ſaid twenty fifth day of December one thouſand ſeven hundred and twenty five, until the twenty fifth day of December, which will be in the year of our Lord one thouſand ſeven hundred and twenty ſeven inclusive.

Duties, thereby granted, continued to 25 December 1727,

to truſtees of hemp-manufacture.

VI. And be it further enacted by the authority aforeſaid, That the ſaid additional rates and duties on coffee, tea, chocolate, and cocoa-nuts, and all money ariſing thereby, ſhall be paid to the truſtees appointed for the management of the hempen and flaxen manufactures of this kingdom, to be by them applied to encourage and ſupport the ſaid manufactures, and the trade thereof, in this kingdom.

VII. And be it further enacted by the authority aforeſaid, That all and every the ſeveral and reſpective additional duties, hereby granted or continued, ſhall be raiſed, anſwered, collected, and paid, unto his Majeſty, his heirs and ſucceſſors, during the term aforeſaid, at the ſame time, in like manner, and by ſuch ways, means, and methods, and by ſuch rules and directions, and under ſuch penalties and forfeitures,

forfeitures, and with ſuch powers as are appointed, directed, and expreſſed in and by an act made in this kingdom in the fourteenth year of the reign of King Charles the ſecond, intituled, *An act for the ſettling of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*, or by any other law now in force relating to the revenue or exciſe in this kingdom, as fully and effectually to all intents and purpoſes as if the ſame were particularly mentioned, expreſſed, and enacted again in the body of this preſent act; with like remedy of appeal to and for the party grieved, as in and by the ſaid act of exciſe is provided.

VIII. And be it further enacted by the authority aforeſaid, That all and every perſon and perſons having upon the twenty fifth day of December one thouſand ſeven hundred and twenty five, or who ſhall have at any time from and after the ſaid twenty fifth day of December one thouſand ſeven hundred and twenty five, until the twenty fifth day of December which will be in the year of our Lord one thouſand ſeven hundred and twenty ſeven incluſive, any office, ſallaries, profits of employments, fees, and penſions, upon the civil or military eſtabliſhments in this kingdom, ſhall pay unto his Majeſty, his heirs and ſucceſſors, the full ſum of four ſhillings *ſterling* out of every twenty ſhillings a year, which he, ſhe, or they, do or ſhall receive or be intitled unto by reaſon of ſuch office, ſallaries, profits of employments, fees, and penſions, unleſs ſuch perſon or perſons do and ſhall live and actually reſide within this kingdom for and during the ſpace of ſix calender months at leaſt in each of the ſaid years; which ſaid tax or duty of four ſhillings *ſterling* out of every twenty ſhillings a year as aforeſaid ſhall be ſtopped and deducted yearly, during the time and term aforeſaid, by the vice-treaſurer, pay-maſter, and receiver-general of his Majeſty's revenues, and be accounted for to his Majeſty, his heirs and ſucceſſors.

IX. Provided always, and it is hereby declared, That this act ſhall not extend to charge the ſaid tax or duty of four ſhillings *ſterling* a year on every twenty ſhillings as aforeſaid upon the ſalary, penſion, fees, or profits of employment, payable to the lord lieutenant, or other chief governor or governors of this kingdom for the time being; or the ſallaries, fees, penſions, pay, or profits of employment, payable to any perſon or perſons, who ſhall by his or their offices and employments be obliged to an immediate attendance upon the perſons of his ſacred Majeſty, or their royal Highneſſes the prince and princeſs of Wales, or their iſſue, during their continuance in ſuch their reſpective offices and employments; or to the pay of the officers of the army, or half-pay officers, upon the eſtabliſhment of this kingdom.

X. And be it further enacted by the authority aforeſaid, That the ſix pence *per* pound, and all other fees, which ſhall or may be payable to the vice-treaſurer, receiver, or pay-maſter-general of this kingdom, for, or on account of, or out of, the aids granted unto his Majeſty this preſent ſeſſion of Parliament, ſhall be received by the ſaid vice-treaſurer, receiver, or pay-maſter general, for the uſe of his Majeſty, his heirs or ſucceſſors, and ſhall be duly accounted for by him or them to his Majeſty, his heirs and ſucceſſors, as a further and additional aid hereby given and granted.

XI. And whereas his Majeſty's faithful commons in the firſt ſeſſion of this preſent Parliament, the better to enable his Majeſty to provide for the defence and ſafety of this kingdom, did reſolve, That whatever ſums of money ſhould be advanced and paid into his Majeſty's treaſury by any perſon or perſons at the inſtance of their excellencies the then lords juſtices, or other chief governor or governors of this kingdom for the time being, for the defence thereof, ſhould be made good with legal intereſt for the ſame out of ſuch aids, as ſhould be granted to his Majeſty the then next ſeſſion of Parliament: and whereas for the better ſecuring ſuch ſum or ſums as ſhould be ſo advanced, it is provided by an act paſſed in the firſt ſeſſion of this Parliament, intituled, *An act for continuing to his Majeſty the additional duty on beer, ale, ſtrong waters, tobacco, and other goods and merchandizes*, that

2 G. 1. 7.

such sum or sums of money, as should be so advanced and paid into his Majesty's treasury, should be repaid unto such person or persons, as should lend or advance the same, his, her or their executors, administrators, or assigns, with legal interest, out of the next aids to be granted by Parliament, without any deduction: and whereas the sum of fifty thousand pounds hath been advanced and paid into his Majesty's treasury in pursuance of the said resolution and act of Parliament, which debt still remains due and unsatisfied: be it further enacted by the authority aforesaid, That such person or persons, who have advanced or paid into his Majesty's treasury any sum or sums of money, being part of the said principal sum of fifty thousand pounds, their executors, administrators, or assigns, shall continue to have and receive, and be well and truly paid at the receipt of his Majesty's Exchequer by the hands of the vice-treasurer or pay-master general, his or their deputy or deputies, every six months the interest of the respective sum or sums of money, so by them advanced, at the rate of seven pounds *per cent. per annum*, without fee or charge, during the time the said principal sum of fifty thousand pounds, or any part thereof, shall continue unpaid, and free from all manner of deductions, defalcations, and abatements whatsoever, out of such his Majesty's treasure or revenue as shall come to his or their hands, until they are respectively paid and satisfied the respective principal sums, so by them paid and advanced as aforesaid; and if any part of the said principal sum of fifty thousand pounds shall be due and unpaid on the twenty fifth day of December, which will be in the year of our Lord one thousand seven hundred and twenty seven, the same shall be well and truly satisfied and paid unto the several and respective persons, their executors, administrators, or assigns respectively, to whom the same shall be then due, together with such legal interest for the same, at the rate of seven pounds *per cent.* as aforesaid, as shall be then in arrear, without any deduction, defalcation, or abatement, for or on account of pells, poundage, or other fees, charges, or deductions whatsoever.

Loan of 50,000 l. in pursuance thereof,

at 7 l. *per cent.*

XII. And be it further enacted by the authority aforesaid, That the several sums hereafter mentioned and appointed be paid out of the additional duties and aids, granted and continued to his Majesty by this present act, to the persons hereafter mentioned: (that is to say) a sum of three hundred pounds *sterling* to Bruen Worthington, and two hundred pounds *sterling* to Isaac Ambrose, clerks of the house of commons, as rewards for their respective attendance and services this session of Parliament; and the further sum of two hundred pounds *sterling* to the said Bruen Worthington and Isaac Ambrose, as a recompence for their extraordinary expence in preparing copies of the publick accounts for the members of the house of commons; and also the sum of two hundred pounds *sterling* to John Kerr, clerk assistant; three hundred pounds *sterling* to Richard Povey, serjeant at arms, for his attendance on the house of commons; two hundred and fifty pounds *sterling* to William Bayley, and Henry Buckley, the clerks attending the committee of accounts and other committees, to be equally divided between them; eighty pounds *sterling* to John Fieldhouse and Bartholomew Mc. Dannell, door-keepers of the house of commons, to be equally divided between them; which said several last mentioned sums are given to the said several persons as rewards for their several services, attendances, and expence, this session of Parliament; and also the sum of three hundred pounds *sterling* to Matthew Pennefather esquire, accomptant-general, as a reward for his expence and trouble in preparing and stating the publick accounts of the nation laid before the house of commons this session of Parliament; and also the sum of two thousand pounds *per annum*, during the space of two years, be paid to the trustees of the linnen manufacture, to encourage the raising sufficient quantities of hemp and flax in this kingdom; all which said several sums are to be paid by the vice-treasurer or receiver-general of this kingdom without any further or other warrant to be sued for, had, or obtained in that behalf.

CHAP.

A. D. 1725.

CHAP. II.

An act to prevent the fraudulent and clandeſtine importing of goods.

14 and 15 C. 2. 9. 6 G. 1. 8. 33 G. 2. 10. The laws againſt running of goods, ineffectual.

WHEREAS the ſeveral laws already made for the preventing the unlawful and clandeſtine running of goods and merchandizes imported into this kingdom, and for the incouragement of the fair trader, have been rendered ineffectual by the ſeveral frauds, that have been committed, and are daily practiſed, to the great diminution of his Majeſty's revenue, and the impoveriſhment of ſuch perſons as pay the duties: and whereas, for the better carrying on ſuch private and fraudulent trade, exciſeable goods and merchandizes are frequently taken in at ſea by fiſhing boats, or other coaſting veſſels, out of ſome ſhip or veſſel, in order to be brought into this kingdom: be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That in caſe any exciſeable goods, wares, or merchandizes, ſhall after the twenty fifth day of April, which ſhall be in the year of our Lord one thouſand ſeven hundred and twenty ſix, be unſhipped or taken in at ſea, or out of any ſhip or veſſel whatſoever, in order to be landed, or put into any other veſſel, ſhip, or boat, within the limits of any port in this kingdom, without firſt paying, or ſecuring according to law, the cuſtoms and other duties payable for the ſame, the maſter or other perſon having charge of ſuch ſhip, boat, or other veſſel, into which any ſuch goods, wares, or merchandizes, ſhall be taken or put as aforeſaid, ſhall forfeit treble the value of ſuch goods, wares, or merchandizes, unleſs in caſe of diſtreſs or neceſſity, of which the maſter or other perſon having charge of ſuch ſhip, boat, or other veſſel, ſhall immediately give notice, and make ſufficient proof of before the chief officer or officers of the revenue of the firſt port of this kingdom, where he ſhall arrive; and the maſter, purſer, or other perſon, taking charge of the ſhip or veſſel, out of which ſuch goods ſhall be taken at ſea (unleſs in caſe of neceſſity as aforeſaid) ſhall alſo forfeit treble the value of ſuch goods ſo unſhipped; one moiety of which forfeiture to be for the uſe of his Majeſty, his heirs, and ſucceſſors, and the other moiety to ſuch perſon or perſons, who ſhall inform or ſue for the ſame in ſuch manner, as is herein after mentioned.

Exciſeable goods taken in at ſea in boats, *&c.* to be imported.

Exciſeable goods unſhipped at ſea, or put into any other veſſel within limits of a port, without paying duties, maſter of each veſſel forfeits treble value, unleſs a neceſſity, of which immediate notice and ſufficient proof.

II. And whereas great quantities of tobacco made up in ſmall truſſes, bundles, baggs, rolls, or caſks, are daily imported, with an intent that the ſame may be more eaſily and privately carried off and conveyed away without paying the duties payable thereon: for prevention thereof, be it enacted by the authority aforeſaid, That from and after the twenty fifth day of April, which ſhall be in the year of our Lord one thouſand ſeven hundred and twenty ſix, no tobacco ſo made up ſhall be imported or brought into this kingdom, or to any port, harbour, haven, or creek thereof in any other manner than in hogſheads, caſks, or veſſels, or other package, not containing leſs than three hundred pound weight, from the iſle of Man, or from any other place, from and after the firſt day of May in the year aforeſaid, upon pain of forfeiting the ſaid tobacco, or the value thereof.

Tobacco not to be imported, unleſs in hog ſheads, *&c.* of 300*l.* weight. 33 G. 2. 10.

III. And whereas to the great loſs of the revenue, and the ruin of the fair trader, great quantities of brandy, ſtrong-waters, and ſpirits, and alſo tobacco and other goods of the growth or manufacture of Aſia, Africa, and America, are ſecretly imported into this kingdom in ſmall ſhips and veſſels, or boats, under the burthen of twenty tuns, from the iſle of Man: for prevention of which be it enacted by the authority aforeſaid, That if any tobacco, brandy, ſtrong-waters, ſpirits, or ſuch goods and merchandizes of the growth or manufacture of Aſia, Africa, or America, ſhall from and

If tobacco, ſpirits or ſuch goods of growth or manufacture of Aſia, Africa, or America, imported or found in any veſſel under 20 tun, from iſle of Man,

A. D. 1725. Chap. 2.

and after the ſaid twenty fifth day of April one thouſand ſeven hundred and twenty ſix be imported or brought into the kingdom of Ireland, or into any port, harbour, or creek thereof, from the iſle of Man, or ſhall be found in any ſhip, veſſel, or boat, under the burthen of twenty tuns from the iſle of Man, except for the private uſe of the maſter, ſeamen, and paſſengers on board ſuch ſhip, or veſſel, or boat, not exceeding two pounds weight of tobacco, and one gallon of brandy, ſtrong waters, or ſpirits for each ſeaman and paſſenger; every ſuch ſhip, veſſel, or boat, with all her tackle, furniture, and apparel, or the value thereof, and alſo ſuch tobacco, brandy, ſtrong waters, ſpirits, or any goods of the growth or manufacture of Aſia, Africa, or America, ſhall be forfeited, and ſhall and may be ſeized by any officer of the revenue; and in caſe ſuch veſſel or goods cannot be ſeized, the maſter, or other perſon having charge of the veſſel, in which ſuch goods were imported, ſhall forfeit the value thereof; one moiety of which forfeiture ſhall be for the uſe of his Majeſty, his heirs and ſucceſſors, and the other moiety to him or them who ſhall inform or ſue for the ſame, and ſhall and may be recovered in ſuch manner, as is herein after mentioned.

except for private uſe on board, two pound of tobacco, and one gallon of ſpirits each perſon,

forfeiture of the veſſel and goods, or the value.

IV. And for the better preventing of frauds in drawbacks, be it enacted by the authority aforeſaid, That if any goods or merchandizes ſhipped to be exported, for which any allowance is to be made, or drawback given, by the laws now in force in this kingdom upon the exportation thereof, ſhall be relanded or unſhipped in any port or place in the kingdom of Ireland, or ſhall be put on board any boat or other veſſel at any creek, haven, or port thereof, or at ſea, in order to be relanded, contrary to the true intent and meaning of this act, without the licenſe of one or more of the principal officers of ſuch port or place firſt had and obtained, or unleſs it be in caſe of diſtreſs to ſave the ſaid goods from periſhing, which ſhall be made known forthwith to one of the officers of the port, where ſuch ſhip ſhall arrive, the maſter, purſer, or other perſon having the charge of ſuch ſhip, out of which ſuch goods ſhall be unſhipped, and alſo the owner of ſuch goods and merchandizes, ſhall forfeit treble the value thereof; one moiety to his Majeſty, his heirs and ſucceſſors, and the other moiety to the informer, to be recovered as is herein after mentioned.

If goods ſhipped for export, for which a drawback, relanded or unſhipped without licence, or in diſtreſs forthwith made known,

treble value forfeited by the maſter, and alſo the owner of the goods.

V. And for the more effectual prevention thereof, be it further enacted by the authority aforeſaid, That from and after the firſt day of April one thouſand ſeven hundred and twenty ſix no allowance ſhall be made to ſuch merchant or exporter, or payment made for or on account of any drawback, that he may be intitled to upon the exportion of any goods, unleſs, over and above the oath and the certificate already required, the maſter alſo of the ſhip or veſſel, in which the ſaid goods are to be exported, ſhall make oath before the collector or other chief officer of the port, where ſuch goods are ſhipped, that to the beſt of his knowledge and belief the ſame are not intended to be relanded, and that he will not permit or ſuffer the ſaid goods, or any part of them, to be relanded in any port, creek, or haven of the kingdom of Ireland, unleſs in caſe of real diſtreſs, to ſave the goods from periſhing; which oath the ſaid collector or other chief officer is hereby impowered and required to adminiſter.

No drawback, unleſs oath by maſter alſo not to reland, unleſs in real diſtreſs. 12 G. 1. 28. *ſec.* 24. *Eng.*

VI. Provided always, That if ſuch maſter or exporter be a known Quaker, that in ſuch caſe the ſolemn affirmation of ſuch maſter or exporter ſhall and may be taken inſtead of ſuch oath.

Quaker to make affirmation.

VII. And whereas the perſons, that are employed in running goods, and defrauding his Majeſty of the ſeveral duties payable for exciſeable goods and merchandizes, are greatly encouraged in ſuch clandeſtine trade by ſuch perſons as for their private lucre receive, ſell, and buy ſuch goods and merchandizes; wherefore for the better diſcovery of and prevention of the ſale of all goods and merchandizes and commodities whatſoever, which are liable to any duties or exciſe, and for which no duty hath been paid or entry made, or that have not been legally condemned: be it enacted by the authority aforeſaid, That from and after the firſt day of April, which ſhall be in the year of our Lord one thouſand ſeven hundred and

Knowingly to harbour, ſell, or buy, run-goods,

and twenty ſix, in caſe any perſon or perſons ſhall knowingly harbour, keep, or conceal, or ſhall knowingly permit or ſuffer to be harboured, kept, or concealed, or ſhall ſell or expoſe to ſale, or buy, any ſuch exciſeable goods or merchandizes, knowing that the ſame were run, ſuch perſon or perſons ſhall, over and above the forfeiture of ſuch goods, forfeit and loſe treble the value of ſuch goods.

Forfeiture thereof and treble value.

VIII. And whereas by the laws relating to the exciſe it is amongſt other things enacted, "That if any difference or matter of controverſie ſhould happen to ariſe "between any merchant, trader, or dealer, and the commiſſioners, ſub-commiſ- "ſioners, collectors, or other officers therein mentioned, it might be lawful for "every ſuch perſon or perſons to make his appeal to the lord lieutenant, deputy, or "other chief governor or governors and privy council of Ireland, or ſuch as they "ſhould appoint under the great ſeal:" and whereas there is no time limitted in and by the ſaid laws for bringing ſuch appeal, whereby great inconveniencies have happened as well to the ſubject as to his Majeſty's revenue: for remedy whereof, be it enacted by the authority aforeſaid, That ſuch perſon or perſons, who ſhall think himſelf or themſelves aggrieved by any judgment or ſentence of the ſaid commiſſioners, ſub-commiſſioners, collectors, or other officers, ſhall make his, her, or their appeal unto the ſaid lord lieutenant, lord deputy, or other chief governor or governors and privy council of Ireland, or ſuch as ſhall be appointed by commiſſion under the great ſeal purſuant to the ſaid laws, within the ſpace of two calendar months next after ſuch ſentence or judgment ſhall be given, and in default thereof, that no appeal ſhall be afterwards received.

14 and 15 C. 2. 8. *ſec.* 54.

Appeal from commiſſioners, *&c.* muſt be within two months.

IX. And whereas it frequently happens, that divers goods and merchandizes are brought into his Majeſty's ſtore-houſes for want of being entred, and becauſe the duties are not paid and ſecured, as the law directs, which goods do often remain there for ſo long a time, that they become periſhed and of no value, whereby his Majeſty hath loſt the duties payable on the importation of the ſaid goods: for prevention thereof be it enacted by the authority aforeſaid, That from and after the ſaid firſt day of April, which ſhall be in the year of our Lord one thouſand ſeven hundred and twenty ſix, the commiſſioners of the revenue, or any three or more of them, the collectors, or other chief officer of the port for the time being, in their reſpective diſtricts, in all caſes where goods are or ſhall be brought into his Majeſty's ſtore-houſes, for the ſecurity of the cuſtoms or other duties due thereon, ſhall cauſe all goods ſo brought into his Majeſty's ſtore-houſes as aforeſaid, which ſhall have remained there for the ſpace of ſix months, the ſubſidies and duties not paid, or otherwiſe ſecured, as the law directs, to be publickly ſold by auction or inch of candle as ſoon as conveniently they can; and after ſuch ſale the produce thereof ſhall be firſt applied towards the payment of the cuſtoms and duties due thereupon, and in the next place the charges of the warehouſe-room, freight, and other charges, and the overplus ſhall be paid to the proprietor, or other perſon, authorized to receive the ſame.

Goods lodged in King's ſtores for ſecurity of duties, and left ſix months, may be ſold by auction, to pay the ſame and charges, the ſurplus to proprietor.

X. Provided always, That, before any ſuch ſale of goods ſhall be made, one months notice thereof, and of the place, day, and hour of making ſuch ſale, ſhall publickly be poſted up at the Cuſtom-houſe, and alſo at the Tholſel or market-houſe of the port, where the ſaid ſale is to be made.

One month's notice of ſale to be publickly poſted,

XI. And be it further enacted by the authority aforeſaid, That from and after the twenty fifth day of April one thouſand ſeven hundred and twenty ſix all and every perſon and perſons, who ſhall be found paſſing knowingly and wittingly with any exciſeable goods or commodities; landed from any ſhip or veſſel without the due entry and payment of the duties chargeable thereon, in his, her, or their cuſtody, from any of the coaſts of this kingdom, within the ſpace of ten miles of any of the ſaid coaſts, and ſhall be five or more in company, and ſhall wear any vizard, maſk, or other diſguiſe, when paſſing with ſuch goods or commodities as aforeſaid, ſhall, being convicted thereof, be deemed, and taken, and adjudged guilty of felony, and ſhall for ſuch his, her, or their offence be tranſported as a felon to ſome of his Majeſty's plantations in America, there to remain for the ſpace of ſeven years;

Paſſing with run goods within ten miles of the coaſt, five in company, diſguiſed, felony, and tranſportation ſeven years.

and, in case any such offender or offenders shall return to this kingdom before the expiration of the said seven years, he, she, or they so returning shall suffer as felons, and have execution awarded against him, her, or them, as persons attainted of felony without benefit of clergy, or of the statute.

Returning before, felony without clergy.

XII. Provided always, and be it enacted by the authority aforesaid, That if any person, who shall be guilty of any offence of felony afore-mentioned, shall within three months after such his offence, and before his conviction, discover two or more of his accomplices therein to the commissioners or sub-commissioners of his Majesty's revenue, or to any one or more of them, so as such accomplices, or any two of them at least, be convicted of such offence, the offender so discovering shall be clearly acquitted and discharged of and from such his or her offence.

Offender in three months, and before conviction, discovering two accomplices (so as convicted) acquitted.

XIII. And whereas frequent disputes do happen between the merchants and officers of the customs touching and concerning damaged wines, the same depending for the most part on the taste thereof: and whereas such corrupt wines are highly prejudicial both to his Majesty's revenue, and the health of his Majesty's good subjects of this kingdom: for the effectual preventing thereof, be it enacted by the authority aforesaid, That in case any merchant or other person shall find his wine, or any part thereof, in his judgment so damaged, corrupt, or unmerchantable, as not to be worth the duties, in such case such merchant shall have liberty immediately after the landing the said wines to stave and spill the same in the presence of such officer or officers, as shall be appointed for that purpose by the commissioners of his Majesty's revenue, or any three of more of them, or the collector, or other chief officer of the port where the said wines shall be imported; and that the merchant so staving and spilling such wine shall be repaid the whole duty, paid by him for the same, without any delay, charge, fee, or deduction, on any pretence whatsoever; and that, in order to certifie the quantity of wine so destroyed, the proper officer, appointed for discharge of the ship importing the same, shall make an entry thereof at the foot of the merchants warrant.

14 and 15 *C.* 2. 9. *Rule* 10. 33 *G.* 2. 10. 6 *G.* 1. 12. *sec.* 3. *Eng.*

Merchants may spill damaged wine in presence of the officer, and shall be immediately repaid the duty;

and the quantity entered in the merchant's warrant.

XIV. And be it further enacted by the authority aforesaid, That, over and above the duties repaid as aforesaid, the merchant or other person shall, for every tun of wine of the growth of Germany, or wines which pay duties as such, so destroyed, be allowed as a compensation for the freight and other charges the sum of four pounds; and for every tun of wine of the growth of France so destroyed the sum of forty shillings; and for wines of the growth of Portugal, Spain, and elsewhere, the sum of six pounds, and so proportionably for a greater or lesser quantity; which allowances shall without any delay be paid by certificate out of the duties payable to his Majesty; and the proper officer or officers are hereby required and directed to make and pay such certificate without fee or reward.

6 *G.* 1. 12. *sec.* 4. *Eng.*

and have allowance for freight, *&c.* for the wine destroyed, for German, 4 l. *per* tun: French, 40 s: Spanish, *&c.* 6 l. paid, without delay or fee, by certificate, out of the duties.

XV. Provided, and be it enacted by the authority aforesaid, That any thing herein contained, or to be done in execution thereof, shall not extend, or be construed to extend, to diminish or lessen the duties of prizage or butlerage of wines due upon the importation of the same; but that the same shall be collected and paid in the same manner, as if this act had never been made.

Not to diminish prizage or butlerage.

6 *G.* 1. 12. *sec.* 7. *Eng.*

XVI. Provided also, and be it further enacted, That no allowance shall be made for any such corrupt and decayed wine, unless such wine shall be imported in casks directly from the country or place of the growth of such wine, or the usual place of its first shipping; but the same shall be staved, unless the full duty be paid for the same.

No allowance for decayed wine, unless imported directly from place of growth, *&c.*

8 *G.* 1. 18. *sec.* 19. *Eng.*

XVII. And whereas it frequently happens in several ports of this kingdom, that upon the arrival of many ships at the same time there are not officers of his Majesty's revenue sufficient in such port or district to take the charge and care of the said ships upon them; by which means the collector, or other chief officer of such port or district, is obliged to employ other persons, and place them in such ships or vessels for the better collecting and securing his Majesty's revenue: and whereas such persons so appointed are frequently obstructed by the masters of such ships or vessels, and other evil minded persons, on pretence that such persons so deputed are not

Obstructing persons deputed by writing by

not legal and commiſſioned officers: for remedy whereof be it enacted by the authority aforeſaid, That if any maſter, or other perſon having the charge of any ſhip or veſſel, ſhall refuſe to permit any perſon or perſons authorized or deputed by any writing ſigned by the collector, or other chief officer of the port or place where ſuch ſhip or veſſel ſhall arrive, to take the care and charge of ſuch ſhip or veſſel upon him or them, or to enter into ſuch his ſhip, veſſel, gabbard, hoy, barque, or boat, or remain on board, or ſhall lett, hinder, or obſtruct ſuch perſon or perſons ſo deputed in doing or performing ſuch matters and things, as he or they ſhall be authorized or deputed to do or perform as aforeſaid, the maſter, or other perſon ſo offending, ſhall for every ſuch offence forfeit the ſum of fifty pounds; to be recovered in manner as is directed in and by an act made in the fourteenth year of the reign of King Charles the ſecond, intituled, *An act for ſettling the exciſe and new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted.*

the officer to take charge of a veſſel,

Penalty 50 l. as by 14 C. 2. 8.

XVIII. And be it enacted by the authority aforeſaid, That the commiſſioners of exciſe, or any three or more of them, or the ſub-commiſſioners of exciſe reſpectively in their reſpective diſtricts, ſhall be, and are by this preſent act authorized and required to hear and determine all offences againſt any clauſe or article herein before mentioned (other than the offences, for which the perſons convicted are liable to tranſportation) in a ſummary way, and to give judgment and ſentence, and levy the fines, penalties, and forfeitures thereupon: and ſuch fines, penalties, and forfeitures, ſhall go and be diſtributed in ſuch manner and form in all reſpects, as are preſcribed in an act made in the fourteenth year of the reign of King Charles the ſecond, intituled, *An act for ſettling the exciſe and new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*; with the like remedy of appeal to and for the party agrieved, as in and by the ſaid act is provided.

Any three commiſſioners, or the ſub-commiſſioners, may determine offences ſummarily, except where tranſportation.

Penalties as by 14 C. 2. 8.

XIX. And whereas the officers of his Majeſty's revenue and their aſſiſtants are very frequently aſſaulted and beaten in the due and legal ſeizing and ſecuring of exciſeable goods, imported into this kingdom, run, or endeavoured to be run, his Majeſty's duties not paid, or after ſeizure the ſame are frequently reſcued, or wilfully deſtroyed or damaged, to the end that neither his Majeſty, or the officer or officers, or the informer or informers, ſhould reap the profits ariſing from ſuch ſeizures, according to the laws of the land: for remedy thereof be it enacted by the authority aforeſaid, That from and after the firſt day of April one thouſand ſeven hundred and twenty ſix if any perſon or perſons whatſoever ſhall unlawfully aſſault or beat any officer or officers of his Majeſty's revenue, or his or their aſſiſtant or aſſiſtants, in the due ſeizing or ſecuring any exciſeable goods, wares, or merchandizes, which he or they hath or have reaſonable cauſe to ſuſpect to be liable to a ſeizure by the laws of the land, or by force or violence reſcue or carry away, or ſhall procure to be reſcued or carried away, any ſuch goods, wares, or merchandizes, after legal ſeizure as aforeſaid, or ſhall at or after ſuch ſeizure deſtroy or damage the ſaid goods, wares, or merchandizes, or any part of them, that then and in every ſuch caſe, every perſon ſo offending, being thereof legally convicted, ſhall for the firſt offence forfeit and loſe the ſum of one hundred pounds, and upon failure of payment thereof ſhall ſuffer impriſonment for the ſpace of twelve months, and for the ſecond offence ſhall be tranſported to ſome of his Majeſty's plantations in America, there to continue for the term of ſeven years.

Aſſaulting revenue officers or aſſiſtants in ſeizing, where reaſonable ſuſpicion, or reſcuing or damaging the goods,

penalty, firſt offence 100 l. or 12 months impriſonment: ſecond, tranſportation ſeven years.

XX. Provided always, That this act ſhall continue and be in force until the twenty fifth day of March, which ſhall be in the year of our Lord one thouſand ſeven hundred and twenty eight, and from thence to the end of the then next ſeſſion of Parliament, and no longer.

Continuance, till 25 March 1728, &c.

continued and amended by ſeveral ſtatutes, and by 31 G. 2. 6. *for two years*, &c.

Repealed 33 G. 2. 10. *except as to ſuch parts as therein mentioned, which act is amended and continued two years*, &c. *by* 1 G. 3. 7.

CHAP.

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CHAP. III.

An act to prevent marriages by degraded clergymen and popiſh prieſts, and for preventing marriages conſummated from being avoided by precontracts, and for the more effectual puniſhing of bigamy.

Popiſh prieſts, &c. or degraded or pretended clergyman of the church of Ireland, celebrating marriage between proteſtants or ſo reputed, or a proteſtant and papiſt, felony without clergy. 6 *Anne* 16. 19 G. 2. 13. *the marriage void, if by popiſh prieſt,* 23 G. 2. 10. *yet felony in him.*

WHEREAS clandeſtine marriages are for the moſt part celebrated by popiſh prieſts and degraded clergymen, to the manifeſt ruin of ſeveral families within this kingdom: for remedy whereof be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any popiſh prieſt, or reputed popiſh prieſt, or perſon pretending to be a popiſh prieſt, or any degraded clergyman, or any layman, pretending to be a clergyman of the church of Ireland as by law eſtabliſhed, ſhall after the twenty fifth day of April in the year of our Lord one thouſand ſeven hundred and twenty ſix celebrate, or take upon him to celebrate, any marriage between two proteſtants, or reputed proteſtants, or between a proteſtant or reputed proteſtant and a papiſt, ſuch popiſh prieſt, or reputed popiſh prieſt, and ſuch degraded clergyman, and layman, pretending to be a clergyman, ſhall be, and is hereby declared to be, guilty of felony, and ſhall ſuffer death as a felon without benefit of the clergy or of the ſtatute.

Two juſtices may ſummon perſons ſuſpected to be ſo married, or preſent (not above 10 miles from their abode) and examine on oath as to the marriage, religion, and thoſe preſent.

II. And for the better diſcovering and convicting ſuch offenders, be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for any two juſtices of the peace in their reſpective counties by warrant or warrants under their hands and ſeals, directed to any conſtable or conſtables, to ſummon any perſon or perſons ſuſpected to be married by ſuch popiſh prieſt or degraded clergyman, or layman pretending to be a clergyman of the church of Ireland as by law eſtabliſhed, or to have been preſent at the celebration of ſuch marriage, to appear before ſuch juſtices at the time and place in ſuch warrant mentioned, not being more than ten miles diſtant from his, her, or their uſual place of abode, and to examine ſuch perſon or perſons upon oath, where, and by what perſon or perſons, and with what form and ceremonies ſuch marriage was celebrated, and what religion the perſon or perſons ſo married profeſſed, and who were preſent at ſuch marriage: and if the perſon or perſons ſo ſummoned ſhall neglect or refuſe to appear according to ſuch ſummons, or ſhall refuſe to be examined as aforeſaid, or after examination ſhall re-

On refuſing to appear (having no lawful impediment) or to

fuſe

fuse to enter into a recognizance to profecute at the next aſſizes, such perſon or perſons, as ſhall appear by ſuch examination to have offended contrary to the true intent and meaning of this act, ſuch perſon or perſons ſo refuſing or neglecting to appear, having no lawful impediment, or refuſing to be examined and anſwer, or after examination refuſing to enter into recognizance as aforeſaid, ſhall be committed by the ſaid juſtices to the common goal of the ſaid county, there to remain without bail or mainprize for the ſpace of three years, unleſs he, ſhe, or they, ſhall ſooner ſubmit to be examined as aforeſaid before the ſaid juſtices of the peace, or one of them, or, in caſe of their abſence or refuſal, before ſome other juſtice of the peace for the ſaid county; and ſhall enter into a recognizance to appear at the next general aſſizes to be held for the county, where the offence was committed, to proſecute ſuch perſon or perſons, as ſhall appear by ſuch examination to have offended contrary to the true intent and meaning of this act; in which caſe it ſhall and may be lawful to and for ſuch juſtice of the peace by warrant under his hand and ſeal, directed to the goaler or keeper of the ſaid goal, to deliver and diſcharge ſuch perſon or perſons out of the ſaid goal, and from his, her, or their commitment as aforeſaid.

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be examined, or to give recognizance to proſecute,

imprisonment 3 years, unleſs ſubmitting ſooner.

III. Provided, That no ſuch examination ſhall ſubject the party examined to any proſecution, penalty, or forfeiture whatſoever, or be admitted to be given in evidence againſt the perſon ſo examined, unleſs ſuch perſon ſhall be indicted for having committed wilful perjury in ſuch examination.

Such examination ſhall not ſubject to penalty, or be given in evidence, unleſs indictment for perjury.

IV. And whereas ſome doubts have ariſen, whether marriages conſummated by carnal knowledge can be avoided by precontracts without conſummation, which has been the ground of many vexatious ſuits: for remedy whereof, and to prevent all doubts concerning the ſame for the future, be it enacted and declared, That no contract of marriage only, not conſummated by the carnal knowledge of the parties, ſhall be of any force towards making void a ſubſequent marriage conſummated by ſuch carnal knowledge.

33 *H.* 8. 6. *ſeſſ.* 1. no contract of marriage only, not conſummated, ſhall avoid ſubſequent marriage conſummated.

V. And whereas by an act made in the reign of King Charles the firſt, intituled, *An act for the reſtraining of all perſons from marriage till their former wives and former huſbands be dead*, it is enacted, "That if any perſon or perſons being married, or which "hereafter ſhall marry, do at any time marry any perſon or per-"ſons, the former huſband or wife being alive, that then every "ſuch offence ſhall be felony, and the perſon and perſons "ſo offending, ſhall ſuffer death as in caſe of felony:" and whereas divers perſons, having been found guilty of ſuch

Recital of 10 *C.* 1. 21. *ſeſſ.* 2.

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offence, have yet eſcaped the puniſhment of death, by claiming the benefit of the clergy or of the ſtatute: be it enacted by the authority aforeſaid, That from and after the firſt day of November one thouſand ſeven hundred and twenty ſix if any perſon, convicted of ſuch offence, ſhall claim the benefit of clergy, or of the ſtatute, and ſuch claim ſhall be by the court allowed, ſuch perſon, inſtead of being burned in the hand, ſhall by the ſaid court be ordered to be tranſported to ſome of his Majeſty's plantations in America, and ſhall be tranſported accordingly in ſuch manner, as perſons convicted of a capital felony are to be tranſported.

Convict of bigamy claiming and allowed clergy, &c. inſtead of burning in the hand ſhall be tranſported as convicts of capital felony.

CHAP. IV.

An act for the better regulating the office of ſheriffs, and for the aſcertaining their fees, and the fees for ſuing out their patents, and paſſing their accounts.

FOR the greater eaſe of ſheriffs in the execution of their offices, and paſſing their accounts: be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſeveral officers of his Majeſty's high court of Chancery, and court of Exchequer in this kingdom, and their reſpective ſubſtitutes, deputies, agents, and clerks, and all other officers and perſons whatſoever, having and claiming any fee or reward whatſoever from any ſheriff, deputy-ſheriff, or ſub-ſheriff, for making out his or their patents or commiſſions, or the *dedimus* for ſwearing them into their office, or for entring their recognizance or ſecurity, or for writing out and return of their proceſs, or for their appoſals or caſting out of court, or for paſſing their accounts, or for making their *quietus eſt*, or for any other matter or thing touching or concerning their ſheriffalty, may from and after the twenty fifth day of April in the year of our Lord one thouſand ſeven hundred and twenty ſix ſeverally and reſpectively for themſelves, and the perſons for whom they act or officiate, take and receive for their pains and ſervice in the matters aforeſaid the ſeveral fees or ſums of money, in the ſchedule or liſt hereafter mentioned and ſpecified, over and beſides the allowance on the eſtabliſhment; all which fees in the ſaid ſchedule mentioned, the ſaid ſeveral officers, deputies, clerks, and other perſons, may claim, take, and receive from time to time, and ſhall not demand, take, or receive any other or

3 G. 1. 15. *Eng.* All perſons claiming fees from ſheriffs concerning ſheriffalty ſhall take only the fees in the ſchedule here ſpecified.

or greater fee or reward whatſoever in any wiſe touching or concerning the premiſſes in the ſaid ſchedule mentioned, or any other matter or thing relating to the patent, or ſwearing of any ſheriff of any county mentioned in the ſaid ſchedule, or to the paſſing of his accounts; and if any perſon ſhall offend therein, ſuch perſon ſhall forfeit to the party aggrieved five pounds, and treble the ſum by him taken over and above the juſt fees mentioned in the ſaid ſchedule, together with his treble coſts; all which ſhall be ordered, awarded, and given, to the party aggrieved by the court of Exchequer on complaint and proof of ſuch offence made and exhibited before the barons of the ſaid court in ſuch ſhort and ſummary way and method, as to them ſhall ſeem meet.

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Penalty to the party 5 l. and treble the ſum and coſts, on complaint in Exchequer in ſummary way.

II. And be it enacted by the authority aforeſaid, That from and after the twenty fifth day of April in the year of our Lord one thouſand ſeven hundred and twenty ſix all ſheriffs, who ſhall levy any debts, duties, or ſums of money whatſoever (except poſt fines) due, or hereafter to be due to his Majeſty, his heirs or ſucceſſors, by proceſs to them directed upon the ſummons of the Pipe or Green-wax by *levari facias* out of the court of the Exchequer, ſhall from time to time for their care, pains, and charges, and for their encouragement therein, have an allowance upon their accounts of twelve pence out of every twenty ſhillings for any ſum not exceeding one hundred pounds ſo by them levied or collected, and the ſum of ſix pence only for every twenty ſhillings over and above the firſt hundred pounds, and for all debts, duties, and ſums of money (except poſt fines) due or to become due to his Majeſty, his heirs and ſucceſſors, by proceſs, and *fieri facias*, and extent iſſuing out of any of the offices of the ſaid court of Exchequer, the ſum of one ſhilling and ſix pence out of every twenty ſhillings for any ſum not exceeding one hundred pounds, ſo by them levied or collected, and the ſum of twelve pence only for every twenty ſhillings over and above the firſt hundred pounds.

Sheriffs levying debts to the King (except poſt-fines) by *levari fa.* out of Exchequer allowed 1 s. *per* pound for 100 l. and 6 d. *per* pound afterwards: on *fi. fa.* and extent, 1 s. 6 d. *per* pound for 100 l. and 1 s. afterwards:

III. Provided always, ſuch ſheriff ſhall duly anſwer for the ſame upon his account by the day, on which he ought to be diſmiſſed the court, or in ſuch time to which he ſhall have a day granted by the court to finiſh his account, and not otherwiſe.

duly anſwering for the ſame on his account.

IV. And be it enacted by the authority aforeſaid, That no ſheriff or ſub-ſheriff ſhall be attached or taken into cuſtody by any officer of the court of Exchequer, or other perſon whatſoever, for not being appoſed on any writ or proceſs for not finiſhing his accounts in due time, or for any contempt or neglect whatſoever relating to his account, but by writ under the ſeal

No ſheriff ſhall be attached for any contempt or neglect on his account, but by writ under ſeal of

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of the ſaid court of Exchequer, or by warrant for that purpoſe to be ſigned by the lord chief baron of the ſaid court for the time being, or in his abſence by either of the other barons, to be executed by the purſivant of the ſaid court, or his deputy; in which warrant the name of ſuch ſheriff or ſub-ſheriff ſhall be particularly inſerted, and his offence particularly ſpecified and expreſſed.

Exchequer, or warrant of a baron ſpecifying his name and offence.

V. And be it enacted by the authority aforeſaid, for preventing delays and unneceſſary attendance of ſheriffs in paſſing their accounts, That from and after the twenty fifth day of April one thouſand ſeven hundred and twenty ſix if any officer, clerk, or other perſon concerned in or about the paſſing ſheriffs accounts, ſhall wilfully retard or hinder any ſheriff in the paſſing his accounts, or by his wilful neglect, abſence, or other undue means or ways prevent any ſheriff from being appoſed or caſt out of court in due time, or, after payment or tender of his or their due fees herein aſcertained, ſhall refuſe or neglect to inroll, make out, ſign, and deliver, his *quietus* in due time, in every ſuch caſe the perſons ſo offending ſhall make ſuch ſatisfaction and recompence to the party aggrieved, as ſhall be adjudged, ordered, or decreed, by the barons of the court of Exchequer, upon complaint thereof made and exhibited before them in ſuch ſhort and ſummary way and method, as to them ſhall ſeem meet.

Officers, &c. hindering ſheriff in paſſing accounts, or his being appoſed in due time, or not delivering his *quietus*, ſhall make ſatisfaction as ordered in ſummary way by Exchequer.

VI. And whereas great inconveniencies have ariſen by the death of ſheriffs during the time of their ſheriffalty: be it enacted by the authority aforeſaid, That if any high-ſheriff of any county of this kingdom ſhall happen to die before the expiration or determination of his year, or before he be lawfully ſuperſeded, in ſuch caſe the under-ſheriff, or deputy-ſheriff by him appointed, ſhall nevertheleſs continue in his office, and ſhall execute the ſame, and all things belonging thereunto, in the name of the ſaid deceaſed ſheriff, until another ſheriff be appointed for the ſaid county, and ſworn in manner as is herein after directed; and the ſaid under-ſheriff or deputy-ſheriff ſhall be anſwerable for the execution of the ſaid office in all things, and to all reſpects, intents, and purpoſes whatſoever during ſuch interval, as the high-ſheriff ſo deceaſed would by law have been, if he had been living; and the ſecurity given to the high-ſheriff ſo deceaſed by the ſaid under-ſheriff, and his pledges, ſhall ſtand, remain, and be a ſecurity to the King, his heirs and ſucceſſors, and to all perſons whatſoever, for ſuch under-ſheriffs due performance of his office during ſuch interval.

On ſheriff's death, ſub-ſheriff ſhall continue to act in his name, till another ſworn;

and anſwerable during the interval;

and his ſecurity ſhall remain.

VII. And

VII. And whereas the office of ſub-ſheriff or under-ſheriff, and other offices and places in the diſpoſal of the high-ſheriff, have of late years been frequently ſold and lett to farm, whereby many great inconveniencies have happened to the ſubjects of this kingdom by the oppreſſions and exactions of ſub-ſheriffs or under-ſheriffs, bailiffs, and other officers concerned in the execution of the King's proceſs: for remedy whereof be it enacted by the authority aforeſaid, That from and after the twenty fifth day of April in the year of our Lord one thouſand ſeven hundred and twenty ſix it ſhall not be lawful to or for any perſon or perſons whomſoever to buy, ſell, lett, or take to farm, the office of ſub-ſheriff or under-ſheriff, deputy-ſheriff, ſeal-keeper, county-clerk, ſhire-clerk, goaler, bailiff, or any other office or place pertaining to the office of high ſheriff of any counties or ſhires of this kingdom, or to contract for, promiſe, or grant, for money, or other reward or benefit, the ſaid offices or places, or any of them, or to give, take, promiſe, or receive any other conſideration whatſoever for the ſaid offices, or any of them directly or indirectly by themſelves, or any perſon in truſt for them, or for their uſe; and whoſoever ſhall offend therein, ſhall forfeit the ſum of five hundred pounds; a moiety whereof to his Majeſty, his heirs and ſucceſſors, and the other moiety thereof to ſuch perſon or perſons as ſhall ſue for the ſame; to be recovered by action of debt, bill, plaint, or information, in any of his Majeſty's courts of record at Dublin; in which no eſſoign, protection, or wager of law, ſhall be allowed, nor any more than one imparlance: provided that ſuch ſuit be commenced within two years after ſuch offence committed, and not otherwiſe.

No office pertaining to ſheriffs ſhall be ſold or farmed.

Penalty 500l. to the King and proſecutor:

Proſecution in two years.

VIII. Provided, That nothing herein before contained ſhall any ways hinder or prevent ſuch high ſheriff from conſtituting and appointing a ſub-ſheriff, under-ſheriff, or deputy-ſheriff, to act in his ſtead, as by law he ought to do, nor to hinder the ſub-ſheriff or under-ſheriff, in caſe of the high ſheriff's death, when he acts as high ſheriff, from conſtituting or appointing a deputy, which he is hereby impowered to do, nor to hinder, prevent, or abridge ſuch ſheriff, ſub-ſheriff, or under-ſheriff, from demanding, taking, or receiving, the juſt and lawful fees and perquiſites of the office of ſheriff, or any place or employment pertaining thereunto, or nominating or appointing any ſuch officer, or from taking ſecurity for the due anſwering the ſame; nor to diſcharge, hinder, or prevent ſuch ſub-ſheriff, under-ſheriff, deputy-ſheriff, ſeal-keeper, county-clerk, ſhire-clerk, goaler, bailiff, or other perſon having or executing any place or office under ſuch ſheriff, from accounting to the high ſheriff for all

Not to hinder appointing ſub-ſheriff, nor him from appointing deputy on death of high ſheriff,

nor the taking juſt fees, or nominating officers, or their accounting to high ſheriff, nor his taking ſecurity:

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all ſuch juſt and lawful fees and perquiſites, as ſhall by them, or any of them, be taken and received in their reſpective offices, places, and employments, nor for giving ſecurity ſo to do; nor to hinder or prevent the high ſheriff from allowing or ſecuring ſuch ſalary or recompence to his ſub-ſheriff, or under-ſheriff, deputy-ſheriff, ſeal-keeper, county-clerk, ſhire-clerk, goaler, bailiff, or other officer, for the execution of the ſaid offices, places, or employments, or any of them, as to him ſhall ſeem meet; nor to hinder or prevent the under-ſheriff, deputy-ſheriff, ſeal-keeper, or other officer or perſon aforementioned from taking and receiving ſuch ſalary or recompence for his or their pains and ſervices therein.

nor his allowing or their receiving a ſalary.

That ſheriffs may not be hindered from accounting for want of eſtreats,

IX. And for the more effectual enforcing and obliging the reſpective clerks of aſſize, clerks of the peace, or other perſons, to whom it doth or may belong to make returns of eſtreats into the court of Exchequer, to make out and deliver their reſpective eſtreats, duplicates, certificates, and ſchedules in due time, ſo that the ſheriffs may not be hindred or retarded in the paſſing their accounts for want of the ſaid eſtreats, be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the barons of the court of Exchequer from time to time to amerce ſuch clerk of aſſize, clerk of the peace, or other perſon, to whom it doth or may belong to make returns of eſtreats into the ſaid court of Exchequer, for refuſing, neglecting, or omitting to perform and do his or their duty in returning the ſaid eſtreats, and to cauſe the ſaid amerciaments to be levied and anſwered by ſuch ways and means, and in ſuch manner, as other amerciaments ſet in the ſaid court may or have been uſed to be done.

clerks not returning eſtreats amerced in Exchequer.

X. And for preventing of oppreſſions and injuries, which may happen to his Majeſty's ſubjects by the abuſe of ſheriffs, ſub-ſheriffs, bailiffs, and others employed in levying and collecting any debts, duties, or ſums of money due, or hereafter to become due, to his Majeſty, his heirs or ſucceſſors, by proceſs of the court of Exchequer, be it enacted by the authority aforeſaid, That no ſheriff, ſub-ſheriff, or under-ſheriff, bailiff, or other perſon employed in levying or collecting any the ſaid debts, duties, or ſums of money, ſhall take, aſk, or receive, any fee, gratuity, or reward whatſoever, of the perſon or perſons liable to pay the ſaid debts, duties, or ſums of money, or of any other perſon for or upon pretence of ſuch levying or collecting, except the ſum of four pence only for an acquittance for ſuch ſum as ſhall be ſo levied or collected; which acquittance ſuch officer is hereby required to give and deliver to the perſon, upon or from whom ſuch debts ſhall be levied, or collected, or received; and the bailiff or other

No ſheriffs, &c. levying debts to the King ſhall take any fee, except 4 d. for acquittance.

Bailiff, &c. receiving ſuch

other perſon receiving ſuch debt or ſum of money ſhall from time to time anſwer and account for the ſame to the ſheriff or his ſub-ſheriff, or deputy, and may require alſo an acquittance from ſuch ſheriff or his deputy for ſuch ſum; who are hereby required to give the ſame without any fee or reward; of and from which debts and ſums of money ſo levied, collected, or received as aforeſaid the ſaid ſheriffs, and every of them, ſhall effectually diſcharge the ſaid debtors and perſons reſpectively by totting and anſwering the ſame to his Majeſty, his heirs and ſucceſſors, upon their reſpective accounts in the Exchequer; and in caſe any ſheriff, ſub-ſheriff, under-ſheriff, or deputy-ſheriff, ſhall *nihil*, or not duly anſwer to the crown, any debt or ſum of money ſo levied, collected, or received, ſuch ſheriff, ſub-ſheriff, under-ſheriff, or deputy-ſheriff, for every ſuch offence ſhall forfeit treble damages to the party agrieved, and double the ſum which is *nihiled*, or not duly anſwered as aforeſaid; which ſaid damages and penalty ſhall be ordered, decreed, and given to the perſon agrieved by the court of Exchequer, on complaint and proof of ſuch abuſe as aforeſaid made and exhibited before the barons of the ſaid court in ſuch ſhort and ſummary way and method, as to them ſhall ſeem meet; and in caſe any ſheriff, under-ſheriff, deputy-ſheriff, bailiff, or other perſon ſhall preſume to demand, take, or receive any ſum or ſums of money whatſoever, be the ſame more or leſs, of any perſon whatſoever, from whom any debt or ſum of money is or ſhall be due or payable to the crown by proceſs out of the court of Exchequer, for, or in reſpect, or upon pretence, of executing the ſaid proceſs, or for, or in reſpect, or upon pretence of fees due to them, or any of them, for collecting or receiving the ſame, contrary to the true intent and meaning of this act, or if any of the officers or perſons aforeſaid ſhall demand, take, and receive any ſum or ſums of money whatſoever for not levying or forbearing to levy any debts, duties, or ſums of money, which are or ſhall be due to his Majeſty, his heirs and ſucceſſors, and written out to them, or any of them, by the proceſs aforeſaid; in all and every ſuch caſe every perſon ſo offending, and being thereof lawfully convicted, ſhall be adjudged, deemed, and taken to be, guilty of extortion, injuſtice and oppreſſion; and all and every ſuch perſon and perſons, being thereof lawfully convicted, ſhall forfeit for every ſuch offence treble damages and coſts to the party agrieved, and double the ſum ſo extorted; all which damages and penalties ſhall be ordered, decreed, and given by the barons of the court of Exchequer, upon complaint and proof of ſuch extortion made and exhibited before them in ſuch ſhort and ſummary way or method, as to them ſhall ſeem meet as aforeſaid; provided ſuch conviction

debt ſhall account to the ſheriff, and have acquittance without fee.

Sheriff to diſcharge ſuch debts by totting in Exchequer.

Penalty treble damages to the party, and double the ſum not anſwered:

taking any money from the King's debtor for forbearance, &c. extortion.

and treble damages and coſts, and double the ſum,

in Exchequer, on complaint, in ſummary way,

if conviction

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viction be had and made within two years after ſuch offence committed, and not otherwiſe.

not to deprive ſheriff of allowance by this or any other act.

XI. Provided, That nothing in this act contained ſhall be conſtrued to deprive any ſheriff of ſuch poundage or allowance, as is allowed and given to them by vertue of this or any other act of Parliament made in this kingdom: but that the ſaid ſheriffs ſhall and may enjoy the full benefit and advantage of ſuch poundage or allowance without any impeachment or moleſtation whatſoever; any thing in this act contained to the contrary thereof in any wiſe notwithſtanding.

Such ſummary orders of Exchequer for coſts and penalties ſhall have ſame force as other decrees.

XII. And be it further enacted by the authority aforeſaid, That whatever orders or decrees ſhall be made by the barons of the Exchequer for coſts, damages, and penalties, in the caſes afore mentioned, or any of them, or in any other caſe in this act hereafter mentioned, by vertue and in purſuance of this act, in ſuch ſhort and ſummary way and method as is herein before directed and preſcribed, ſhall have the ſame effect, force, and vertue to all intents and purpoſes, as any other order or decree of the ſame court; and the ſaid coſts, damages, and penalties, ſhall be raiſed, levied, and obtained by ſuch proceſs, ways, and methods, as are uſed in the ſaid court to enforce a compliance with any other orders or decrees of the ſame court.

Oath to be taken by high ſheriff, inſtead of the former by 10 *C.* 1. 18. *ſeſſ.* 3.

XIII. And be it further enacted by the authority aforeſaid, That inſtead of the oath uſually adminiſtred to the ſheriffs of this kingdom at the entring upon their offices the following oath ſhall be taken by them, and each of them reſpectively,

I A. B. *do ſwear, that I will well and truly ſerve the King's Majeſty in the office of ſheriff of the county of and promote his Majeſty's profit in all things, that belong to my office, as far as I legally can or may: I will truly preſerve the King's rights, and all that belongeth to the crown; I will not aſſent to leſſen or conceal the King's rights, or the rights of his franchiſes; and whenſoever I ſhall know, that the rights of the crown are concealed or withdrawn, be it in lands, rents, franchiſes, ſuits, or ſervices, or in any other matter or thing, I will do my utmoſt to have them reſtored to the crown again; and if I may not do it myſelf, I will certifie and inform the King thereof, or ſome of his judges: I will not reſpite or delay to levy the King's debts for any gift, promiſe, reward, or favour, where I may raiſe the ſame without great grievance to the debtors; I will do right as well to poor as to rich, in all things belonging to my office; I will do no wrong to any man for any gift, reward, or promiſe, nor for favour or hatred; I will diſturb*

no

no man's right, and will truly and faithfully acquit at the Exchequer all thoſe, of whom I ſhall receive any debts or duties belonging to the crown: I will take nothing whereby the King may loſe, or whereby his right may be diſturbed, injured, or delayed; I will truly return and truly ſerve all the King's writs, according to the beſt of my ſkill and knowledge: I will take no bailiffs into my ſervice, but ſuch as I will anſwer for, and will cauſe each of them to take ſuch oaths, as I do, in what belongeth to their buſineſs and occupation: I will truly ſet and return reaſonable and due iſſues of them, that be within my bailiwick, according to their eſtate and circumſtances, and make due pannels of perſons able and ſufficient, and not ſuſpected or procured, as is appointed by the ſtatutes of this realm: I have not ſold nor lett to farm, nor contracted for, nor have I granted or promiſed for reward or benefit; nor will I ſell or lett to farm, nor contract for, or grant for, reward or benefit by myſelf, or any other perſon for me, or for my uſe, directly or indirectly, my ſheriffwick, or any bailiwick thereof, or any office belonging thereunto, or the profits of the ſame, to any perſon or perſons whatſoever: I will truly and diligently execute the good laws and ſtatutes of this realm; and in all things well and truly behave myſelf in my office for the honour of the King, and the good of his ſubjects, and diſcharge the ſame according to the beſt of my ſkill and power.

So help me God.

XIV. And be it further enacted by the authority aforeſaid, That the following oath ſhall be taken by all ſub-ſheriffs or under-ſheriffs of any county of this kingdom, before they enter upon the execution of their offices, *viz.* by ſub-ſheriff, inſtead of the oath 11 *Anne* 8.

I A. B. *do ſwear, that I will well and truly ſerve the King's Majeſty in the office of under-ſheriff of the county of* S. *and promote his Majeſty's profit in all things, that belong to the ſaid office, as far as I legally can or may: I will preſerve the King's rights, and all that belongs to the crown: I will not aſſent to leſſen or conceal the King's rights, or the rights of his franchiſes; and whenſoever I ſhall know, that the rights of the crown are concealed or withdrawn, be it in lands, rents, franchiſes, ſuits, or ſervices, or in any other matter or thing, I will do my utmoſt to make them to be reſtored to the crown again; and if I may not do it myſelf, I will certifie and inform ſome of his Majeſty's judges thereof: I will not reſpite or delay to levy the King's debts, for any gift, promiſe, reward, or favour, where I may raiſe the ſame without great grievance to the*

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debtors: I will do right as well to poor as to rich, in all things belonging to my office: I will do no wrong to any man for any gift, reward, or promiſe, nor for favour or hatred: I will diſturb no man's right, and will truly and faithfully acquit at the Exchequer all thoſe, of whom I ſhall receive any debt, duties, or ſums of money belonging to the crown: I will take nothing whereby the King may loſe, or whereby his right may be diſturbed, injured, or delayed: I will truly return and truly ſerve all the King's writs to the beſt of my ſkill and knowledge: I will truly ſet and return reaſonable and due iſſues of them, that be within my bailiwick, according to their eſtates and circumſtances; and make due pannels of perſons able and ſufficient, and not ſuſpected or procured, as is appointed by the ſtatutes of this realm: I have not bought, purchaſed, or taken to farm, or contracted for, nor have I promiſed or given any conſideration, nor will I buy, purchaſe, or take to farm, or contract for, promiſe, or give any conſideration whatever by myſelf, or any other perſon for me, or for my uſe, directly or indirectly, to any perſon or perſons whatſoever, for the office of under-ſheriff of the county of S. which I am now to enter upon and enjoy, nor for the profits of the ſame; nor for any bailiwick thereof, or any other office or place belonging thereunto: I have not ſold or contracted for, or lett to farm, nor have I granted or promiſed for reward or benefit by myſelf, or any other perſon for me, or for my uſe, directly or indirectly, any bailiwick thereof, or any other place or office belonging thereunto: I will truly and diligently execute the good laws and ſtatutes of this kingdom, and in all things well and truly behave myſelf in my ſaid office for his Majeſty's advantage, and for the good of his ſubjects, and diſcharge my whole duty according to the beſt of my ſkill and power.

So help me God.

ſaid oaths ſhall be adminiſtered by commiſſioners, or by a baron.

XV. And be it enacted by the authority aforeſaid, That the ſaid ſeveral oaths appointed to be taken by the high ſheriff, ſub-ſheriff, and under-ſheriff, ſhall be given and adminiſtred by ſuch commiſſioners, as ſhall be named or authorized to adminiſter the foregoing oath to the high ſheriff as aforeſaid in the country, when and ſo often as a commiſſion or *dedimus* ſhall be ſued forth of the proper court for that purpoſe, or by the barons of the ſaid court of Exchequer, or one of them, when the ſaid ſheriffs ſhall deſire to be ſworn in town.

For impannelling juries.

XVI. And for the better impannelling and returning of able men and ſufficient freeholders on juries, be it enacted by the authority aforeſaid, That from and after the ſaid twenty fifth day of

April the ſheriffs of each county in this kingdom ſhall at their Michaelmas grand turn yearly, and every year for ever hereafter, in every barony in their ſeveral counties diligently inquire by the oath of twelve or more honeſt men (which oath ſuch ſheriff or their ſub-ſheriffs are impowered by virtue of this act to adminiſter) and make a true return of all the freeholders having freehold lands or tenements of the yearly value of forty ſhillings *per annum*, or more, of each barony in each county; together with the name and ſir-name of every ſuch freeholder in each barony, in all and every the counties in this kingdom, with their additions; and ſhall return the ſame on oath, ſigned by him at every January quarter-ſeſſions of the peace, to the then juſtices of the peace there ſitting, to be depoſited by them in the hands of the clerk of the peace of each county, or his deputy, yearly; and that the clerk of the peace of each county, or his deputy, ſhall return, tranſmit, and deliver a true copy thereof, ſigned by him, into each of his Majeſty's Four-courts at Dublin; and in caſe any ſheriff, ſub-ſheriff, or clerk of the peace, or his deputy, ſhall neglect or refuſe to do his or their duty therein, ſuch ſheriff, ſub-ſheriff, clerk of the peace, or his deputy, for every ſuch neglect or refuſal ſhall forfeit to his Majeſty, his heirs and ſucceſſors, the ſum of five pounds; to be recovered in a ſummary way before the judges or juſtices of that court, to which ſuch return ought to have been made.

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Sheriffs at Michaelmas yearly ſhall inquire by oaths of 12 or more, and return all freeholders of 40 s. *per ann.* with their additions on oath at Jan. ſeſſions, and depoſite with clerk of peace,

9 *G.* 2. 3.
13 *G.* 2. 5.
19 *G.* 2. 10.
21 *G.* 2. 6.
29 *G.* 2. 6.
1 *G.* 3. 17.

who ſhall tranſmit a copy to each of the 4 courts,

Penalty on ſheriff or clerk 5 l. before the judges of the court where &c.

The

The SCHEDULE or LIST in the act mentioned.

A Schedule of fees to be paid for passing the patents of the several sheriffs of the several counties in the kingdom of Ireland.

To the secretary to the lord lieutenant, or other chief governor or governors of this kingdom, for the time being.

	£	s	d
FOR warrant for the patent, one pound six shillings	01	06	00
To his clerk, five shillings and five pence	00	05	05

To the lord chancellor's secretary,

For the warrant to the hanaper, thirteen shillings and six pence	00	13	08

To the clerk of the crown and hanaper, to be distributed, viz.

King's silver, ten shillings	00	10	00
Lord chancellor, two shillings	00	02	00
His own fee for engrossing the patent, two pounds two shillings and eight pence	02	02	08
To his clerk, five shillings and five pence	00	05	05
To the pursivant of the court of Chancery, six shillings and eight pence	00	06	08
To the lord chancellor's purse-bearer, three shillings and six pence	00	03	06
To the lord chancellor's train-bearer, five shillings	00	05	00
To the lord chancellor's porter, one shilling	00	01	00
Chaff wax, two shillings	00	02	00
Three pounds eighteen shillings and three pence	03	18	03

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To the chief baron and his clerk,

	l.	*s.*	*d.*
For taking the recognizance, fifteen ſhillings and ten pence - - - - - -	00	15	10
To the chief remembrancer, for entering the recognizance, two ſhillings and ſix pence - -	00	02	06
Total of the ſaid fees for paſſing the patent of the high-ſheriff of the county of Antrim, ſeven pounds one ſhilling and ſix pence - - -	07	01	06

The county of Armagh - - - -	the like.
The county of Catherlogh - - - -	the like.
The county of Cavan - - - - -	the like.
The county of Clare - - - - -	the like.
The county of Cork - - - - -	the like.
The county of Donnegall - - - -	the like.
The county of Down - - - - -	the like.
The county of Dublin - - - - -	the like.
The county of Fermanagh - - - -	the like.
The county of Galway - - - -	the like.
The county of Kerry - - - - -	the like.
The county of Kildare - - - -	the like.
The county of Kilkenny - - - -	the like.
The county of Leitrim - - - -	the like.
The county of Limerick - - - -	the like.
The county of Longford - - - -	the like.
The county of Lowth - - - -	the like.
The county of Mayo - - - - -	the like.
The county of Meath - - - - -	the like.
The county of Monaghan - - - -	the like.
The Queen's county - - - - -	the like.
The King's county - - - - -	the like.
The county of Roſcommon - - - -	the like.
The county of Sligoe - - - - -	the like.
The county of Tipperary - - - -	the like.
The county of Tyrone - - - -	the like.
The county of Waterford - - - -	the like.
The county of Weſt-meath - - - -	the like.
The county of Wexford - - - - -	the like.
The county of Wicklow - - - -	the like.

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Chap. 8.

A Schedule of fees to be paid by the ſheriffs of the ſeveral counties of Ireland, for paſſing their ſeveral accounts.

	l.	s.	d.
TO the auditor-general's clerk, over and above the allowance on the eſtabliſhment, ſix ſhillings and eight pence	00	06	08
To the ſecondaries and clerks; to the clerk of the pipe, over and above the allowance on the eſtabliſhment, for making up the great roll for the ſheriffs appoſal, and making out the ſheriffs *quietus eſt*, one pound two ſhillings and four pence	01	02	04
To the clerks in the office of the comptroller of the pipe, over and above the allowance on the eſtabliſhment, eleven ſhillings and eight pence	00	11	08
To each of the baron's clerks on ſigning the tranſcript, two ſhillings and ſix pence	0	2	6
Seven ſhillings and ſix pence	00	07	06
To the clerk and ſecondaries in the chief and King's remembrancer's office, over and above the allowance on the eſtabliſhment, three ſhillings and four pence	00	03	04
To the clerks and ſecondaries in the ſecond and treaſurers remembrancer's office, over and above the allowance on the eſtabliſhment, one pound	01	00	00
To the clerks and ſecondaries in the clerk of the firſt fruits office, over and above the allowance on the eſtabliſhment, three ſhillings and four pence	00	03	04
To the clerk and ſecondaries in the foreign appoſer's office, over and above the allowance on the eſtabliſhment, ſix ſhillings and eight pence	00	06	08
To the clerks and ſecondaries in the ſummoniſters office, over and above the allowance on the eſtabliſhment, one pound ten pence	01	00	10
To the cryer of the Exchequer on the ſheriffs appoſal, two ſhillings and ſix pence	00	02	06
To the keeper of the court of Exchequer, one ſhilling and a penny	00	01	01
To the tipſtaff of the court of Exchequer, one ſhilling and a penny	00	01	01

Total

	£.	s.	d.
Total of the said fees for passing the accounts of the high-sheriff of the county of Antrim, five pounds seven shillings	05	07	00
The county of Ardmagh		the like.	
The county of Catherlogh		the like.	
The county of Cavan		the like.	
The county of Clare		the like.	
The county of Cork		the like.	
The county of Donnegall		the like.	
The county of Down		the like.	
The county of Dublin		the like.	
The county of Fermanagh		the like.	
The county of Galway		the like.	
The county of Kerry		the like.	
The county of Kildare		the like.	
The county of Kilkenny		the like.	
The county of Leitrim		the like.	
The county of Limerick		the like.	
The county of Longford		the like.	
The county of Lowth		the like.	
The county of Londonderry		the like.	
The county of Mayo		the like.	
The county of Meath		the like.	
The county of Monaghan		the like.	
The Queen's county		the like.	
The King's county		the like.	
The county of Roscommon		the like.	
The county of Sligoe		the like.	
The county of Tipperary		the like.	
The county of Tyrone		the like.	
The county of Waterford		the like.	
The county of West-meath		the like.	
The county of Wexford		the like.	
The county of Wicklow		the like.	

CHAP.

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CHAP. V.

An act for explaining and amending an act, intituled, An act for continuing and amending of the laws in relation to butter and tallow, and the casks in which ſuch goods are to be made up, and in relation to the curing of hides, and making up of beef and pork for exportation; and for preventing the deſtruction of ſalmon.

10 *Wil.* 3. 2. 2 *Anne* 15. 6 *Anne* 12. 2 *G.* 1. 16. 4 *G.* 1. 12. 8 *G.* 1. 7. 10 *G.* 1. 9. 13 *G.* 2. 12. 21 *G.* 2. 7.

Recital of 10 *G.* 1. 9.

The laws againſt abuſes as to butter, tallow, and ſalt hides ineffectual.

WHEREAS an act paſſed in the tenth year of his preſent Majeſty's reign, intituled, *An act for continuing and amending of the laws in relation to butter and tallow, and the casks in which ſuch goods are to be made up, and in relation to the curing of hides, and making up of beef and pork for exportation, and for preventing the deſtruction of ſalmon,* and the ſeveral other laws already made to prevent frauds and abuſes in packing and making up of butter and tallow, and weighing and making up of ſalt hides, have not had their due effect: be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the twenty fifth day of April in the year of our Lord one thouſand ſeven hundred and twenty ſix every cask, wherein tallow ſhall be made up or packed, ſhall have thereon twelve ſufficient hoops of a ſize proportionable to ſuch cask, and no more; and every chandler or other perſon, that ſhall make up or pack tallow in any ſuch cask, from and after the ſaid twenty fifth day of April in the year of our Lord one thouſand ſeven hundred and twenty ſix ſhall fix or brand the firſt letter of his chriſtian name and his ſir-name at length, with the place of his abode, upon every ſuch cask; and that any perſon, who ſhall ſell or expoſe to ſale, export, or attempt to export, or that ſhall buy any cask or casks of tallow, that ſhall have thereon more or fewer than twelve hoops of proper ſize for ſuch cask, or that ſhall not be branded with the perſon's name and place of abode, that made up or packed ſuch tallow as aforeſaid, knowing the ſame, being thereof lawfully convicted before the chief magiſtrate of the place, or a juſtice of the peace of the county or diviſion where ſuch offence ſhall be committed, by the oath of one or more credible witneſs or witneſſes (which oath ſuch chief magiſtrate or juſtice of the peace is hereby impowered to adminiſter) or by the confeſſion of the party, ſhall for ſuch offence forfeit the ſum of five ſhillings for every ſuch cask ſo bought, ſold, or expoſed to ſale, exported, or attempted to be exported as aforeſaid; to be levied and raiſed by warrant

Tallow casks ſhall have 12 proportionable hoops,

and branded with name and abode of the packer.

Penalty if bought, ſold, exported, &c. otherwiſe, (knowingly) 5 s. each cask;

warrant under the hand of ſuch chief magiſtrate or juſtice of the peace by diſtreſs and ſale of the goods of the offenders; which warrant the ſaid chief magiſtrate or juſtice of the peace is hereby required and impowered to iſſue; one moiety of which forfeiture ſhall go to the poor of the pariſh, where ſuch offence was committed, and the other to the informer; and whatever ſhall remain of the price of ſuch goods ſhall be given to the party, whoſe goods were ſo diſtrained; and for want of ſuch diſtreſs the offender ſhall be committed to goal, there to remain without bail or mainprize for any time not exceeding ten days.

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to the poor and informer;

for want of diſtreſs impriſonment 10 days.

II. And be it enacted by the authority aforeſaid, That from and after the ſaid twenty fifth day of April one thouſand ſeven hundred and twenty ſix no perſon or perſons ſhall buy or ſell for exportation any tallow or butter, made up in casks within any city, town, liberty, or diviſion, where there are weigh-maſters, or their deputies, appointed purſuant to this or the ſaid former act or acts, ſuch tallow or butter not being weighed and branded by ſuch weigh-maſters or their deputies; and if any perſon or perſons ſhall ſo do, ſuch perſon or perſons ſo offending, being thereof lawfully convicted in manner before mentioned, ſhall forfeit the butter or tallow ſo bought or ſold, to be diſtributed in manner aforeſaid.

None ſhall buy or ſell for exportation tallow or butter in casks in any place where weigh-maſters are, if not weighed and branded, on pain of forfeiture as aforeſaid.

III. And whereas great abuſes are committed by perſons packing up butter and tallow in casks, which have been formerly filled with butter and tallow, and branded by weigh-maſters for being merchantable goods: for remedy thereof, be it enacted by the authority aforeſaid, That from and after the twenty fifth day of April one thouſand ſeven hundred and twenty ſix, where any cask or casks of butter or tallow have been once tryed or marked by the proper weigh-maſters or their deputies purſuant to the former act or acts, and ſuch cask or casks have been emptied, any perſon or perſons, who ſhall make up or pack butter or tallow in ſuch cask or casks without having the ſame weighed, marked, and branded anew, purſuant to the method appointed by the ſaid former act or acts for weighing, marking, or branding casks, wherein butter or tallow is to be made up or packed, ſhall for every ſuch cask, that he ſhall ſo pack or make up any tallow or butter in, forfeit the ſum of ten ſhillings, to be recovered, raiſed, and diſtributed in ſuch manner as is herein before appointed.

Casks once tried or marked, and emptied, if butter or tallow packed therein, and not weighed and branded anew,

Penalty 10 s. each cask as aforeſaid.

IV. And be it enacted by the authority aforeſaid, That whenever any tallow or butter casks, or tallow or butter, are brought before the chief magiſtrate or juſtice of the peace, by any weigh-maſter or weigh-maſters, or their deputy or deputies, as appearing to him or them to be unmerchantable, purſuant to the ſaid former act, the ſaid juſtice or chief magiſtrate is hereby required and impow-

if brought before a magiſtrate as unmerchantable, he may ſummon the owner, &c. and

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impowered to iſſue a ſummons in writing to the perſon or perſons, that brought the ſame to be weighed and tryed, or to the perſon to whom the ſaid goods ſhall belong, to appear before him, and attend ſuch tryal; and if ſuch perſon or perſons ſhall refuſe or neglect to appear according to ſuch ſummons in ten days after ſuch ſummons or notice, the ſaid juſtice or chief magiſtrate is hereby required and impowered to act and proceed as in and by the ſaid former act is directed: and in caſe the ſaid juſtice or chief magiſtrate upon viewing and trying the ſame ſhall have any doubt of the quality of the ſaid goods, it ſhall and may be lawful to and for ſuch juſtice or chief magiſtrate to ſummon two able merchants of the place, and two other perſons knowing and ſkilled in ſuch commodities reſpectively, to examine in relation to the quality of the ſaid goods according to the ſaid former act; and if ſuch merchants or other perſons ſhall neglect or refuſe to attend upon ſuch ſummons according to the ſaid former act, without aſſigning forthwith ſome ſufficient or ſpecial cauſe for his or their not attending or being examined, every ſuch merchant or other perſon ſo neglecting or refuſing ſhall forfeit the ſum of ten ſhillings, to be recovered and levied in ſuch manner and form as is herein before mentioned, and diſtributed among the poor of ſuch pariſh, where ſuch goods were ſeized.

not appearing in 10 days, may proceed as by ſaid act;

and, if the quality doubtful, may ſummon 2 merchants and 2 others skilled therein.

Penalty for not attending, unleſs cauſe aſſigned, 10 s. to the poor.

V. And be it enacted by the authority aforeſaid, That it ſhall and may be lawful for any perſon or perſons after the twenty fifth day of April one thouſand ſeven hundred and twenty ſix to make, buy, or ſell any empty cask or casks for packing butter for ſale, or export, or to make up and pack butter in any cask or casks of good ſeaſoned beech, birch, willow, or ſally, whereof no part is of bogg timber, as well as of oak, aſh, or ſycamore, ſo as the ſame be made tight according to the ſeveral regulations laid down in the former act; any thing in the ſaid former act to the contrary notwithſtanding.

Butter casks may be of beech, birch, willow, or ſally, (not bog timber) as well as of oak, &c. notwithſtanding 10 *G.* 1. 9.

VI. And be it further enacted by the authority aforeſaid, That no perſon or perſons ſhall buy or ſell any empty cask or casks for packing butter for ſale or export, unleſs ſuch empty cask or casks be made according to the following contents: *(viz.)* no cask ſhall contain leſs than half an hundred, and no cask more than three hundred, of neat butter; and every weigh-maſter or weigh-maſters ſhall brand every ſuch cask, containing above two hundred weight of butter, with the tare that ſuch cask ſhall really and truly weigh, allowing at the rate of four pounds weight for every hundred for ſoakage.

No cask ſhall contain leſs than half hundred, nor more than 300 neat butter.

if above 200 weight of butter, ſhall be branded with the tare; allowing 4 l. *per* 100 ſoakage.

VII. And be it enacted by the authority aforeſaid, That every cooper, who ſhall make any cask or casks for packing butter for ſale or export, ſhall brand on every ſuch cask the firſt letter of his

Cooper ſhall brand his name and abode on butter casks,

his chriſtian name and his ſir-name at length, with the place of his abode; and in caſe any cooper ſhall make any cask for packing butter for ſale or export, other than of good ſeaſoned oak, aſh, ſycamore, beech, birch, willow, or ſally, or ſhall not brand the ſame, as is before directed, ſuch cooper ſhall forfeit for every ſuch cask the ſum of five ſhillings, to be recovered, levied, and diſtributed in manner aforeſaid; and in caſe any weigh-maſter or weigh-maſters, his or their deputy or deputies, ſhall weigh or brand any cask for packing of butter not made and branded as aforeſaid, ſuch weigh-maſter or weigh-maſters, his or their deputy or deputies, ſhall forfeit the ſum of twenty ſhillings for every ſuch cask, to be recovered, levied, and diſtributed, in manner aforeſaid.

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Penalty on cooper 5 s.

if not ſo branded, penalty 20 s. on weigh-maſter, if he weighs or brands ſuch cask,

VIII. And whereas great inconveniences have ariſen from the weigh-maſters or their deputies branding the tare on butter and tallow casks, by marking the ſame with numeral letters: be it enacted by the authority aforeſaid, That from and after the twenty fifth day of April one thouſand ſeven hundred and twenty ſix no weigh-maſter or weigh-maſters, his or their deputy or deputies, ſhall brand the tare on butter or tallow casks with numeral letters, but inſtead thereof ſhall make uſe of figures in branding ſuch casks; and in caſe any weigh-maſter or weigh-maſters, his or their deputy or deputies, ſhall after the ſaid twenty fifth day of April one thouſand ſeven hundred and twenty ſix make uſe of numeral letters in branding the tare on butter and tallow casks, he or they ſhall for every ſuch offence forfeit the ſum of five ſhillings, to be recovered, levied, and diſtributed in manner aforeſaid.

Weigh-maſter's brand ſhall be in figures;

Penalty 5 s.

IX. And whereas there has and may ariſe great inconveniences from weigh-maſters or their deputies buying or ſelling butter, tallow, green or ſalt hides, at their reſpective weigh-houſes: be it further enacted by the authority aforeſaid, That from and after the twenty fifth day of April one thouſand ſeven hundred and twenty ſix no weigh-maſter or weigh-maſters, his or their deputy or deputies, or any other perſon in truſt for him, them, or any or either of them, appointed by this or the former act, or in purſuance thereof, for weighing butter, tallow, green or ſalt hides, in any city or town corporate, or in any place of export, ſhall buy, ſell, contract, or treat for, at their reſpective weigh-houſes, any butter, tallow, green or ſalt hides, in ſuch city or town corporate, or place of export, where ſuch weigh-maſter or weigh-maſters, his or their deputy or deputies, ſhall be appointed purſuant to this or the former act, until ſuch butter, tallow, green or ſalt hides, ſhall be legally weighed and branded, diſcharged and carried off from ſuch weigh-houſe; and in caſe any weigh-

no weigh-maſter ſhall buy or ſell at the weigh-houſe, before the goods legally carried off, on pain of forfeiture.

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weigh-maſter or weigh-maſters, his or their deputy or deputies, or other perſon in truſt for him, them, or any of them, ſhall buy, ſell, contract, or treat for any butter, tallow, green or ſalt hides, in any city or town corporate, or place of export, where ſuch weigh-maſter or weigh-maſters, his or their deputy or deputies, are appointed, before ſuch butter, tallow, green or ſalt hides, are legally weighed and branded, diſcharged, and carried off from ſuch weigh-houſe, he or they ſhall, being thereof lawfully convicted before the chief magiſtrate of the place, or the next juſtice of the peace, forfeit for every ſuch offence the goods ſo bought or ſold by him, them, or any of them; the ſame to be recovered and diſtributed in manner aforeſaid.

No cooper or perſon employed in a weigh-houſe ſhall buy or ſell there:

X. And be it further enacted by the authority aforeſaid, That no cooper or other perſon, who ſhall be employed in any weigh-houſe of any city or town corporate, or place of export, or any other perſon or perſons in truſt for him or them, ſhall buy, ſell, contract, or treat for any butter or tallow at the weigh-houſe, where ſuch cooper or other perſon ſhall be employed; and in caſe any ſuch cooper, or other perſon, or any perſon or perſons in truſt for him or them, ſhall offend contrary to the true intent and meaning of this act, ſuch cooper, or ſuch other perſon, ſhall forfeit the ſum of twenty ſhillings for every caſk of butter or tallow ſuch cooper or other perſon ſhall buy or ſell as aforeſaid; the ſame to be recovered, levied, and diſtributed in manner aforeſaid.

Penalty 20 s. each caſk.

When caſks condemned before a magiſtrate, or when diſtreſs taken by this or ſaid act, no replevin lies,

the judgment final.

XI. And be it enacted by the authority aforeſaid, That whenever any caſk or caſks of butter or tallow, or any ſalt hides, are ſeized or brought for tryal before the magiſtrate, or juſtice of the peace, or ſeneſchal, or are adjudged and condemned by them, or whenever any diſtreſs is or ſhall be taken purſuant to this or the ſaid former acts of Parliament, no replevin ſhall lie, but the judgment of the magiſtrate or juſtice ſhall be final and concluſive; any thing in the ſaid former act to the contrary notwithſtanding.

General iſſue may be pleaded and treble coſts recovered by defendants ſued for acting.

XII. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall be ſued, moleſted, or troubled for putting in execution any of the powers contained in this act, or for doing any matter or thing purſuant hereunto, ſuch perſon or perſons ſhall and may plead the general iſſue, and give the ſpecial matter in evidence; and if the plaintiff or plaintiffs ſhall be nonſuited, or judgment be given againſt him or them by default, or upon demurrer, or a verdict ſhall paſs for the defendant, ſuch defendant ſhall have his, her, or their treble coſts; to be recovered in ſuch manner as where by law coſts are given to defendants.

XIII. And

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XIII. And whereas a doubt has been conceived, whether by the act now in force weigh-masters could be appointed for butter and tallow in the liberties of Saint Sepulchre's, Thomas-court, and Donore: be it enacted by the authority aforesaid, That the respective lords of the mannor, or seneschals of the said liberties, shall have full power and authority to appoint one or more weigh-master or weigh-masters for butter and tallow within their respective liberties, to weigh, brand, and mark all such casks and commodities, and take and receive all such sum and sums of money for weighing, branding, and marking the same, as any weigh-master or weigh-masters nominated, appointed, or to be appointed, by or in pursuance of an act of Parliament made in this kingdom in the tenth year of his Majesty's reign, intituled, *An act for continuing and amending of the laws in relation to butter and tallow, and the casks in which such goods are to be made up, and in relation to the curing of hides, and making up of beef and pork for exportation, and for preventing the destruction of salmon*, can or may have, exercise, take, or receive, by virtue of the said act; and after such casks and commodities shall be weighed, branded, or marked by the weigh-master or weigh-masters of the said respective liberties as aforesaid, such casks or commodities shall and may be exported in such sort and manner, as is weighed by the weigh-masters of the city of Dublin; any clause, matter, or thing in the said last mentioned act contained to the contrary in any wise notwithstanding; which said weigh-master or weigh-masters, his or their deputy or deputies respectively, shall be subject and liable to all the regulations, pains, and penalties, to which any other weigh-masters or their deputies appointed by this or the former act, or in pursuance thereof, are subject and liable.

Lords of the liberties may appoint weigh-masters, under same regulations.

XIV. Provided, That no person, who keeps a publick house, shall be capable of being a weigh-master or deputy weigh-master for weighing of butter or tallow within the meaning of this or the said former act.

No publick housekeeper shall be weigh-master for butter or tallow.

XV. And be it enacted by the authority aforesaid, That this act shall continue in force for two years, and to the end of the then next session of Parliament.

Continuance 2 years, &c. *Continued* 1 G. 2. 17. & 5 G. 2. 6. *and as altered and amended by* 13 G. 2. 12. *and* 21 G. 2. 7. *continued to* 29 *September* 1769, &c.

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CHAP. VI.

An act for continuing ſeveral temporary ſtatutes made in this kingdom now near expiring; and for allowing further time to perſons in offices to qualify themſelves purſuant to an act, intituled, *An act to prevent the further growth of popery.*

Militia. 2 G. 1. 9. continued and amended 4 G. 1. 9. and continued 6 G. 1. 3. & 8 G. 1. 6. & 10 G. 1. 4

WHEREAS in a Parliament held at Dublin the twelfth day of November in the year of our Lord one thouſand ſeven hundred and fifteen, in the ſecond year of the reign of our moſt gracious ſovereign lord King George, an act of Parliament was made and paſſed, intituled, *An act to make the militia of this kingdom more uſeful*; which ſaid act was continued and amended by an act made in the fourth year of his Majeſty's reign, intituled, *An act for reviving, continuing, and amending ſeveral ſtatutes made in this kingdom heretofore temporary*; and was further continued by an act made in the ſixth year of his Majeſty's reign, intituled, *An act for continuing and amending An act,* intituled, *An act to make the militia of this kingdom more uſeful*; and further continued by another act made in the eighth year of his Majeſty's reign; and further continued by another act made the laſt ſeſſion of this preſent Parliament for two years from the twenty fifth day of December in the year of our Lord one thouſand ſeven hundred and twenty three, and from thence to the end of the then next ſeſſion of Parliament: and to prevent the ſaid act from expiring, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid act made in the ſecond year of his Majeſty's reign, intituled, *An act to make the militia of this kingdom more uſeful*; as alſo the ſaid act made in the ſixth year of his Majeſty's reign, intituled, *An act for continuing and amending an act to make the militia of this kingdom more uſeful,* be continued in full force, as they now ſtand, to the firſt day of December, which ſhall be in the year of our Lord one thouſand ſeven hundred and twenty nine, and from thence to the end of the then next ſeſſion of Parliament, and no longer.

2 G. 1. 9. & 6 G. 1. 3. continued to 1 December 1729, &c. *continued by ſeveral ſtatutes and ſo far as not altered by* 19 G. 2. 9. *further continued* 10 *years*, &c. *by* 29 G. 2. 8.

Cattle. 10 G. 1. 10. continued to 1 Dec. 1728, &c.

II. And whereas an act paſſed in the tenth year of his preſent Majeſty's reign, intituled, *An act for regulating abuſes committed in buying and ſelling of cattle and ſheep in the ſeveral markets in this kingdom*; which ſaid act was made to continue and be in force only for two years, and from thenceforth to the end of the then next

next ſeſſion of Parliament and no longer, and is now near expiring; but, being found to be uſeful, is therefore fit to be continued: be it enacted by the authority aforeſaid, That the ſaid act, and all and every clauſe, article, and proviſo therein contained, be continued and ſhall be in full force to all intents and purpoſes to the firſt day of December, which ſhall be in the year of our Lord one thouſand ſeven hundred and twenty eight, and from thence to the end of the then next ſeſſion of Parliament, and no longer. A. D. 1725. Chap. 6. *perpetual* 29 *G.* 2. 8.

III. And whereas by an act of Parliament made in the ſixth year of his Majeſty's reign, intituled, *An act for quieting and diſcharging all perſons in offices or employments, from the penalties they may have incurred by not qualifying themſelves purſuant to the act to prevent the further growth of popery, and for limiting the time for proſecutions on the ſaid act*, it is among other things enacted, "That ſuch perſons, as were required by the ſaid act "*to prevent the further growth of popery* to take the oaths, and "receive the ſacrament of the Lord's ſupper according to the "uſage of the church of Ireland, and ſubſcribe the declaration in "the ſaid act mentioned, ſhould be indemnified, freed, and diſ-"charged, of and from all incapacities, diſabilities, forfeitures, "and penalties incurred by reaſon of the ſaid act, notwithſtand-"ing any omiſſion to take the ſaid oaths and ſacrament of the "Lord's ſupper, and to ſubſcribe the ſaid declaration, ſo as ſuch "perſon or perſons ſhould take the ſaid oaths and receive the ſaid "ſacrament, and ſubſcribe the ſaid declaration, in manner direct-"ed by the ſaid act, *to prevent the further growth of popery*, on "or before the five and twentieth day of March, which was in "the year of our Lord one thouſand ſeven hundred and twenty:" and whereas ſome perſons, well affected to his Majeſty's government and the church of Ireland as by law eſtabliſhed, have, through ignorance of the ſaid ſeveral herein recited acts neglected to take the ſaid oaths and ſacrament of the Lord's ſupper, and to ſubſcribe the ſaid declaration according to the directions of the ſaid act *to prevent the further growth of popery*: for remedy whereof, be it enacted by the authority aforeſaid, That all and every perſon or perſons, who have incurred any penalties and incapacities in the ſaid act, intituled, *An act to prevent the further growth of popery*, mentioned, by neglecting to qualifie themſelves according to the ſaid act, ſhall and may be hereby indemnified, freed, and diſcharged, of and from all incapacities, diſabilities, forfeitures, and penalties incurred by reaſon of the ſaid laſt mentioned act, notwithſtanding ſuch omiſſion; and that none of their acts, nor the acts not yet avoided of any, who have been in actual poſſeſſion of any office, place, or imployment, ſhall be queſtioned or avoided 6 *G.* 1. 9.

Perſons incurring penalties in 2 *Anne* 6 by not qualifying, indemnified, and their acts valid.

A. D. 1725. Chap. 6.

avoided by reaſon of ſuch neglect or omiſſion; but that all ſuch acts ſhall be, and are hereby declared and enacted to be, as good and effectual, as if all and every ſuch perſon and perſons had taken the oaths, and received the ſacrament, and ſubſcribed the declaration in manner as aforeſaid; any thing in the ſaid laſt mentioned act to the contrary notwithſtanding; nevertheleſs ſo as ſuch perſon or perſons do and ſhall take the ſaid oaths, and receive the ſaid ſacrament, and ſubſcribe the ſaid declaration, in manner directed and appointed by the ſaid recited act, *to prevent the further growth of popery*, on or before the firſt day of Auguſt, which ſhall be in the year of our Lord one thouſand ſeven hundred and twenty ſix.

So as they qualify by 1 Aug. 1726.

IV. Provided, That this act or any thing therein contained, ſhall not extend to reſtore or intitle any perſon or perſons to any office or employment already actually avoided by judgment of any of his Majeſty's courts of record, or filled up by another perſon; but that ſuch office or employment ſhall be and remain in the perſon or perſons, who is or are now intituled by law to the ſame, as if this act had never been made.

But not to reſtore to office actually avoided or filled.

V. And whereas the ſeveral acts now in force for ſuppreſſing tories, robbers, and rapparees, are near expiring: be it further enacted by the authority aforeſaid, That one act made in a Parliament held in the ſeventh year of his late Majeſty King William of glorious memory, intituled, *An act for the better ſuppreſſing tories, robbers, and rapparees, and for preventing robberies, burglaries, and other heinous crimes*; and alſo one other act made in the ninth year of the reign of his ſaid late Majeſty, intituled, *An act to ſupply the defects, and for the better execution of an act paſſed this preſent ſeſſion of Parliament*, intituled, *An act for the better ſuppreſſing tories and rapparees, and for preventing robberies, burglaries, and other heinous crimes*, and alſo one other act made in the ſixth year of the reign of her late Majeſty Queen Anne, intituled, *An act for explaining and amending two ſeveral acts againſt tories, robbers, and rapparees*, as alſo ſo much of one other act made in the fourth year of the reign of his preſent Majeſty, intituled, *An act for reviving, continuing, and amending ſeveral ſtatutes made in this kingdom heretofore temporary*, as relates to the apprehending or killing of proclaimed tories or robbers, ſo far as the ſaid acts, or any of them, are not altered or changed by an act made in the ſixth year of his Majeſty's reign, intituled, *An act for the better and more effectual apprehending and tranſporting felons and others, and for continuing and amending ſeveral laws made in this kingdom for ſuppreſſing tories, robbers, and rapparees*, as alſo one other act made in the eighth year of the reign of his preſent Majeſty, intituled, *An act for amending an act*, intituled, *An act for*

Robbers, &c.

7 *W.* 3. 21.

9 *W.* 3. 9.

6 *Anne* 11.

4 G. 1. 9. ſo far as relating to tories or robbers.

All ſaid acts ſo far as not altered by 6 *G.* 1. 12. as alſo the 8 *G.* 1. 9. continued 11 years, &c. from 25 Dec. 1726.

for the better and more effectual apprehending and tranſporting felons and others, and for continuing and amending ſeveral laws made in this kingdom for ſuppreſſing tories, robbers, and rapparees, and alſo to prevent the liſting of his Majeſty's ſubjects to ſerve as ſoldiers in foreign ſervice without his Majeſty's licence, be and are hereby further continued from the twenty fifth day of December, which ſhall be in the year of our Lord one thouſand ſeven hundred and twenty ſix, for the term of eleven years, and from thence to the end of the then next ſeſſion of Parliament.

A. D. 1725.

continued 11 years, &c. with alterations by 29 G. 2. 8.

CHAP. VII.

An Act for the better preſerving the ſalmon fiſhery of this kingdom.

FORASMUCH as by many undue practices the ſalmon fiſhery in this kingdom is extreamly decayed, and many idle and diſorderly perſons go in great numbers diſguiſed, with their faces blacked, or otherwiſe diſfigured, and with lights, loops, ſpears, and other inſtruments, kill great quantities of ſalmon in ſuch places in freſh water rivers, as they are preparing to leave their ſpawn in: to prevent which pernicious practices for the future, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the twenty fifth day of April in the year of our Lord one thouſand ſeven hundred and twenty ſix it ſhall and may be lawful to and for any perſon or perſons, without other or further warrant than this act, to ſeize and bring before one or more juſtice or juſtices of the peace of the reſpective county or counties, where ſuch offence or offences ſhall be committed, ſuch perſon or perſons as he or they ſhall find fiſhing with his or their face or faces blacked or diſguiſed; and alſo ſuch perſon or perſons as ſhall be found in, upon, or near any river or rivers, diſfigured with his or their face or faces blacked, or otherwiſe diſguiſed, though ſuch perſon or perſons ſo diſfigured or diſguiſed, be not actually fiſhing at the time of ſuch ſeizure or ſeizures; which juſtice or juſtices of the peace upon conviction of ſuch offender or offenders by the oath of one or more credible witneſs or witneſſes (which oath ſuch juſtice or juſtices of the peace is and are hereby impowered to adminiſter) ſhall and may by his and their warrants under his or their hands and ſeals levy by diſtreſs and ſale of the goods of ſuch offender or offenders the ſum of forty ſhillings: one moiety whereof ſhall be given to the informer or informers, and the other moiety to the

13 E. 1. 47. *Eng.*
13 R. 2. 19. *Eng.*
17 R. 2. 9. *Eng.*
11 *Eliz.* 4. *Seſſ.* 4.
10 C. 1. 14. *Seſſ.* 3.
2 G. 1. 21.
8 G. 1. 7.
11 G. 2. 14.
31 G. 2. 13.

Salmon fiſhery decayed by undue practices.

Any one may without warrant ſeiſe perſons diſguiſed fiſhing or being near a river, and bring before a juſtice,

who on conviction ſhall levy 40*s.* to the poor and informer.

A. D. 1725. Chap. 7.

the poor of the parish, whose said offence shall be committed; and, in case no sufficient distress or distresses can be had whereout to levy and raise the said sum of forty shillings, that then the said justice or justices of the peace shall and may by warrant under his or their hands and seals commit such person or persons to the house of correction or work-house for any time not exceeding thirty one days, there to remain at hard labour, and to have due correction according to law.

and for want of distress commit to house of correction 31 days.

II. And be it further enacted by the authority aforesaid, That from and after the twenty fifth day of April in the year of our Lord one thousand seven hundred and twenty six no person or persons whatsoever, except such as have an estate of freehold in his, or their own, or their wives right, of the clear yearly value of forty pounds *per annum* at the least, or a personal estate of the value of one thousand pounds at the least, over and above all debts by him owing, and except such person or persons as is, are, or shall be intituled to any fishery or fisheries within this kingdom, his or their farmer or farmers, and such person or persons as are or shall be lawfully imployed in the same, shall or may for him or themselves, or as servant or servants to any person or persons, who shall not be seized or possessed of a real or personal estate to the value aforesaid, or intituled to any fishery or fisheries as aforesaid, make, have, or keep any gaff or gaffs, spear or spears, lyster or lysters, loop or loops, nett or netts, or any other engine or engines, instrument or instruments, commonly made use of to take or kill salmon or salmon-fry; although no proof can be made, that he or they did apply them or any of them to such use or uses; on pain that all and every such gaffs, spears, lysters, loops, and other engine and instrument, so kept contrary to this act, as also all fish found with them, or any of them, shall and may be seized or taken away by any justice or justices of the peace of the respective county or counties, where the same shall be kept or found, or by person or persons authorized thereunto by warrant under the hand and seal of such justice or justices of the peace, and shall and may be kept and detained by him or them to his and their own use; and every such person so having and keeping any such gaff, spears, lysters, loops, netts, or any other such engine or instrument contrary hereunto, and being thereof convicted upon his appearance, or default after summons, before one or more justice or justices of the peace of the county or place, where such offence shall be committed, on the oath of one or more credible witness or witnesses (which oath such justice and justices of the peace is and are hereby impowered to administer) shall for every such offence forfeit and loose the sum of forty shillings; to be levyed by warrant under the hand and seal of such justice or justices of the

None, except having 40 l. *per annum* freehold or 1000 l. personal estate above debts, or intitled to any fishery, shall make or have any engines to kill salmon, tho' no proof of using them.

Any justice, or person by warrant may seise and detain the same, and all fish found with offenders,

who shall also forfeit 40 s. to the poor and informer,

the

the peace, before whom ſuch offender ſhall be convicted, by diſtreſs and ſale of the goods of ſuch offender; the one moiety thereof to the informer, who ſhall inform and proſecute for the ſame, and the other moiety to go and be diſpoſed of to the uſe of the poor of the pariſh, where ſuch offence or offences ſhall be committed; and, in caſe no ſufficient diſtreſs or diſtreſſes can or may be had whereout to levy and raiſe the ſaid ſum of forty ſhillings, that then the ſaid juſtice or juſtices of the peace ſhall and may by warrant under his or their hands and ſeals commit ſuch perſon or perſons to the common goal of the county or place, where ſuch offence ſhall be committed, there to remain for any time not exceeding thirty one days, unleſs ſuch offender ſhall ſooner pay the penalty ſo forfeited, and upon ſuch payment to be diſcharged,

and in default of diſtreſs, be impriſoned 31 days, unleſs payment ſooner.

III. And be it further enacted by the authority aforeſaid, That from and after the twenty fifth day of April in the year of our Lord one thouſand ſeven hundred and twenty ſix if any perſon or perſons during the month of February, March, April, or May, in any year, ſhall in any one day take or kill to the number of twelve ſalmon fry, whether it be by angling, or any other way whatſoever, and ſuch perſon or perſons ſhall be thereof convicted upon his or their appearance, or default after ſummons, by the oath of one or more credible witneſs or witneſſes, before any one or more of his Majeſty's juſtices of the peace of the county, city, or town corporate, where ſuch offence ſhall be committed, every ſuch perſon ſhall forfeit the ſum of ten ſhillings: and it ſhall and may be lawful to and for ſuch juſtice or juſtices of the peace by warrant under his or their hands and ſeals to levy the ſaid ſum of ten ſhillings by diſtreſs and ſale of the offenders goods; one half thereof to be for the uſe of the informer, and the other to the poor of the pariſh, where the ſaid offence ſhall be committed, and for want of ſufficient diſtreſs it ſhall and may be lawful for ſuch juſtice or juſtices by warrant under his or their hands and ſeals to commit ſuch offender to the common goal of the county, city, or place, where ſuch offence ſhall have been committed, there to remain and be kept for any time not exceeding ten days, unleſs ſuch offender ſhall ſooner pay the penalty ſo forfeited, and upon ſuch payment to be diſcharged.

Killing 12 ſalmon-fry in a day in February, March, April, or May, by angling or any way,

Penalty 10 s. as aforeſaid,

or impriſonment 10 days, unleſs paid ſooner.

IV. And whereas ſuch perſons as are imployed by perſons, who are intitled unto or farmers of any fiſhery or fiſheries in this kingdom, find it neceſſary, in order to preſerve the ſalmon in ſpawning time, to go and watch on the banks of rivers, in which they uſually ſpawn, in order to apprehend ſuch perſon and perſons as ſhall endeavour to take and deſtroy ſuch ſalmon, but are often threatened with actions at law and indictments by the proprietor

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prietor or proprietors, poſſeſſor or poſſeſſors, of the bank or banks of ſuch river or rivers, when ſuch perſon or perſons ſhall go, for the purpoſes aforeſaid to go upon the ſame: be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for ſuch perſon or perſons, ſo employed as aforeſaid, to walk upon the bank and banks of ſuch river and rivers as aforeſaid, not being within any orchard or garden, in order to apprehend ſuch perſon or perſons as ſhall offend againſt this or any other act hereafter made in this kingdom for the preſervation of the ſalmon fiſhing thereof, and that ſuch perſon or perſons, ſo walking for the purpoſes aforeſaid on any bank or banks of any river or rivers, ſhall not be liable to any action at law, indictment, or other proſecution for ſo doing; ſo as the perſon ſo employed be authorized by writing under the hand of the owner or farmer of ſuch fiſhery.

Perſons authoriſed by farmers of fiſheries by writing may walk on the banks of a river (not within orchard or garden) to apprehend offenders, and not liable to proſecution.

V. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall be ſued, moleſted, or troubled, for putting in execution any of the powers contained in this act, or for doing any matter or thing purſuant hereunto, ſuch perſon or perſons ſhall and may plead the general iſſue, and give the ſpecial matter in evidence; and if the plaintiff or plaintiffs ſhall be nonſuited, or judgment ſhall be given againſt him or them by default, or upon demurrer, or a verdict ſhall paſs for the defendant, ſuch defendant ſhall have his, her, or their treble coſts; to be recovered in ſuch manner as in other caſes where by law coſts are given to defendants.

Perſons ſued for acting may plead general iſſue, and recover treble coſts.

CHAP. VIII.

An Act for the more effectual tranſporting felons and vagabonds.

2 *Anne* 12.
6 *G.* 1. 12.
8 *G.* 1. 9.
17 *G.* 2. 4.
21 *G.* 2. 12.

WHEREAS great numbers of perſons are confined in the ſeveral goals of this kingdom, who by virtue of the ſtatutes now in force are to be, or ought to have been, tranſported unto ſome of his Majeſty's plantations in America, and ſeveral, who have been confined in order to be tranſported, have broke out of the goals, to which they have been committed, and have made their eſcape, and others have continued in confinement for many years; the maſters and owners of veſſels trading to his Majeſty's plantations being unwilling to be at the expence of tranſporting them, by means whereof not only the ſeveral counties, where ſuch perſons remain in cuſtody, are put to great expence for their ſupport, but alſo all his Majeſty's good ſubjects are greatly endangered: for remedy whereof be it enacted by the King's moſt

moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the twenty fifth day of April in the year of our Lord one thouſand ſeven hundred and twenty ſix it ſhall and may be lawful to and for the chief magiſtrate of the city or port-town, in which any perſon is or ſhall be confined under any ſentence, rule, or order of tranſportation, or in which any perſon is or ſhall be confined, who hath or ſhall obtain any pardon, with condition of tranſportation, or order for tranſportation, under the hand of the lord lieutenant, or other chief governor or governors of this kingdom for the time being, although the time limited by ſuch pardon, ſentence, rule, or order be expired, and ſuch chief magiſtrate is hereby required to contract with any perſon or perſons for the tranſportation of every or any of thoſe, who are or ſhall be ſo confined, in ſuch manner and for ſuch term of years as by an act made in the ſixth year of the reign of his preſent Majeſty, intituled, *An act for the better and more effectual apprehending and tranſporting felons and others, and for continuing and amending ſeveral laws made in this kingdom for ſuppreſſing tories, robbers, and rapparees*, is directed and required; ſo as the perſon contracting with ſuch chief magiſtrate do enter into ſuch recognizance, as by the ſaid act is appointed.

Chief magiſtrate of the place where perſons under ſentence of tranſportation confined may contract for tranſportation, tho' the time limited expired,

as by 6 G. 1. 12.

II. And for the encouragement of thoſe, who ſhall contract for the tranſportation of perſons ſo confined, or to be confined, be it further enacted by the authority aforeſaid, That from and after the ſaid twenty fifth day of April in the year of our Lord one thouſand ſeven hundred and twenty ſix it ſhall and may be lawful to and for the chief magiſtrate of ſuch city or port-town by warrant or order under his hand and ſeal to direct and require the ſheriff or ſheriffs of ſuch city, being a county of itſelf, or of the county wherein ſuch city or port-town ſhall lye, or their reſpective ſub-ſheriffs or under-ſheriffs for the time being, to pay unto the perſon or perſons, who ſhall contract for the tranſportation of any ſuch perſon convicted of a capital felony, any ſum not exceeding the ſum of forty ſhillings; and for every other perſon, which now is or ſhall be ordered to be tranſported, any ſum not exceeding the ſum of twenty ſhillings; in which warrant or order ſhall be mentioned the name of the perſon ſo to be tranſported, and the time or place where he or ſhe was preſented or convicted, and the offence of which he or ſhe was convicted.

And may by warrant direct ſheriff to pay perſon contracting 40 s. for a capital felon, for others 20 s.

mentioning the name, time, or place of conviction, and offence.

III. And be it further enacted by the authority aforeſaid, That every ſheriff, to whom ſuch warrant or order ſhall be directed, or his under-ſheriff or ſub-ſheriff, ſhall forthwith without fee or reward pay the ſum in ſuch order or warrant contained, taking a receipt

Sheriff to pay it forthwith without fee, taking acknowledgement.

A. D. 1725. Chap. 8.

receipt from the perſon ſo contracting, acknowledging the payment of ſuch ſum or ſums; and alſo acknowledging that he hath received the body or bodies of the perſon or perſons ſo to be by him tranſported.

Chief jury, on producing the warrant and receipt, ſhall preſent the ſum, and repay theriff.

3 G. 2. 4. grand juries may preſent 6 l.

IV. And be it further enacted by the authority aforeſaid, That upon producing of every ſuch warrant or order, together with ſuch receipt as aforeſaid, at any aſſizes or general quarter-ſeſſions of the peace to be held for the county, where the perſon or perſons in ſuch warrant or order named, was or were convicted or preſented, the grand jury of the ſaid county are hereby required to preſent the ſum contained in ſuch warrant or order, which ſhall be applotted and levied in the ſame manner, as other ſums raiſed at aſſizes and ſeſſions in the ſaid county are uſually levied and applotted; and ſhall be repaid to ſuch ſheriff, ſub-ſheriff, or under-ſheriff, as ſhall have diſburſed the ſame as aforeſaid, or his executors or adminiſtrators reſpectively, or to the perſon or perſons by them appointed to receive the ſame.

Capital felons refuſing to ſign the articles of tranſportation (ſo as not to ſerve more than 7 years) ſentence of death ſhall be pronounced next aſſizes, &c.

V. And be it further enacted by the authority aforeſaid, That if any perſon, ſo to be tranſported as aforeſaid, ſhall refuſe to ſign and ſeal any articles, covenant, or indenture, agreed upon between ſuch chief magiſtrate of the city or port-town and the perſon contracting for his or her tranſportation as aforeſaid, ſo as the perſon to be tranſported be not by any ſuch articles, covenant, or indenture, obliged to ſerve for any longer term than ſeven years, every ſuch perſon ſo refuſing, if convicted of a capital felony, ſhall be abſolutely deprived of the benefit of clergy, and of this and the ſaid former act, or any other act or order, by virtue whereof he or ſhe were to be tranſported, and ſhall be continued in, or be immediately tranſmitted to, the goal of the county, where he or ſhe was convicted, and ſentence of death ſhall be pronounced againſt him or her ſo refuſing reſpectively in the next term in the court of King's bench, or at the next general quarter-ſeſſions in the county of Dublin, or county of the city of Dublin, or at the next general goal delivery in ſuch other county where ſuch perſon was convicted, and execution awarded accordingly; and if any other perſon, who ſhall be ordered to be tranſported as aforeſaid, ſhall refuſe to ſign and ſeal ſuch agreement, covenant, or indenture, every ſuch perſon ſhall be thrice publickly whipt through ſuch city or port-town, and afterwards remain cloſe confined in goal, till he or ſhe be tranſported.

other felons to be thrice whipt, and impriſoned till tranſportation.

Capital felons returning from tranſportation without licence under privy ſeal, ſhall ſuffer death;

VI. And be it further enacted by the authority aforeſaid, That if any perſon, who after the ſaid twenty fifth day of April one thouſand ſeven hundred and twenty ſix ſhall be tranſported as a felon convicted of a capital felony, ſhall at any time be found within

within this kingdom, not being licenced thereunto by his Majesty, his heirs or successors, under his or their privy seal, such person shall suffer death as a felon, without benefit of clergy; any thing in the said act made in the fifth year of his present Majesty's reign to the contrary thereof in any wise notwithstanding; and shall and may be tried in any county, where he shall be apprehended. A. D. 1725. Chap. 8.

may be tried where apprehended.

VII. And be it enacted by the authority aforesaid, That if any person or persons being now, or who shall at any time hereafter be, under any sentence, rule, or order of transportation, shall be transmitted to any port-town within any county or county of a city, other than where such sentence, rule, or order was made, the chief magistrate of such port-town shall be obliged to receive and commit such person and persons to goal, who shall be there maintained in such manner, as convict felons are maintained, until they be transported; and the sheriff or sheriffs, who shall deliver over such person or persons to be transported, shall give security to the sheriff or sheriffs of such county or counties, or to such magistrate or other officer, to whom such offender or offenders shall be delivered in order to transportation, to reimburse all such sum and sums of money, as shall be disbursed on account of such person or persons so transmitted, for his or their maintenance in goal to the time or times of his or their being transported; which said sum and sums shall be levied by presentments of the grand jury on the body of the county, where such sentence, rule, or order of transportation was made, in like manner as the same is ordered and directed by the said act, made in the sixth year of his present Majesty's reign, in case of felons so transmitted for transportation.

Chief magistrate of port towns to which felons transmitted shall commit to gaol, to be maintained till transported,

sheriff delivering them shall give security to reimburse for their maintenance:

the money levied by presentment on the county where the rule made, as by 6 *G.* 1. 12.

VIII. And to the end that all merchants, owners, and masters, of vessels trading to his Majesty's plantations may have information and timely notice of the persons to be transported from the several parts of this kingdom; be it further enacted by the authority aforesaid, That the clerks of the crown, and clerks of the peace, shall make out and sign certificates of the names of every person and persons remaining in the goal or goals of the several counties under any rule, sentence, or order of transportation made in every term, and at every assizes or general goal delivery or quarter-sessions of the peace, at which the said clerk of the crown or peace respectively officiated, specifying therein the particular offences, for which such persons were respectively ordered to be transported; which certificates shall within thirty days after the last day of every assizes, or goal delivery, or quarter sessions, by the several clerks of the crown and clerks of the peace respectively,

Clerks of crown & peace shall sign certificates of names of persons under rule of transportation,

and in 30 days after assizes, &c. lodge the certificates with C. magistrate of Dub-

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lifts, if a conviction in Leinster: of Cork, Waterford, & Limerick, if in Munster: of Londonderry & Belfast, if in Ulster: of Galway & Sligoe, if in Connaught:

respectively, be lodged in the hands of the lord mayor of the city of Dublin, where such conviction or presentment was in his Majesty's court of King's bench, or in any county in the province of Leinster, and in the hands of the mayor of the city of Cork, the mayor of the city of Waterford, and the mayor of the city of Limerick for the time being, where such conviction or presentment was in any county in the province of Munster, and in the hands of the mayor of the city of Londonderry, and the sovereign of the town of Belfast for the time being, where any such conviction or presentment was in any county in the province of Ulster; and in the hands of the mayor of the town of Galway, and the provost of the town of Sligo for the time being, where any such conviction or presentment was in any county in the province of Connaught; which several chief magistrates of the said several cities and towns are hereby required to cause lists of the names of the persons, returned to them in such certificate, to be posted up in the Exchange and other most publick places of their said respective cities and towns, together with the several rewards intended to be given for the transportation of the persons whose names are contained in such lists; and likewise to take care, that such lists continue posted as aforesaid, until the persons in such lists named, and every of them, be actually transported.

Lists of the names to be posted up, and continued till transportation, with the rewards intended.

Penalty on clerks neglecting, not above 10 l. nor less than 5 l.

IX. And be it further enacted by the authority aforesaid, That if it shall appear to the court of King's bench, or to the justice or justices of assize, or justices at the general quarter-sessions of the peace respectively, that the clerk of the crown of the said court of King's bench, or the clerk of the crown or clerk of the peace for the county, for which such assizes or quarter-sessions are held respectively, hath at any time neglected to make out and return such certificate as aforesaid, the court of King's bench, and such justice and justices of assize, and justices of the peace in such general quarter-sessions respectively, are hereby impowered and required to impose on every such clerk of the crown and clerk of the peace for every such neglect a fine not exceeding ten pounds, nor less than five pounds.

To prevent delay of passing and pleading pardon, an order under sign manual, or hand of chief governors, directing transportation,

X. And forasmuch as the transportation of felons hath been greatly delayed, and opportunities of transporting them frequently lost, by the time necessarily taken up in passing and pleading the pardons granted to such felons: be it enacted by the authority aforesaid, That when ever his Majesty, his heirs or successors, or the lord lieutenant or other chief governor or governors of this kingdom for the time being, shall be pleased to extend mercy to any person, who hath been or shall be convicted of felony,

lony, or who hath received or ſhall receive ſentence of death for any felony, any order under the ſign manual of his Majeſty, his heirs or ſucceſſors, or under the hand of the lord lieutenant, or other chief governor or governors of this kingdom for the time being, directing the perſon ſo convicted or ſentenced, to be tranſported, ſhall be as effectual in the law, as if a pardon for ſuch felony with condition of tranſportation had been paſſed under the great ſeal, and pleaded, and allowed; and that ſuch order ſhall be a ſufficient warrant in the law to all ſheriffs, goalers, and others, for the delivery of the perſon in ſuch order named to the ſheriff or goaler of the place, from whence ſuch felon is to be tranſported, or to the perſon or perſons contracting for the tranſportation of ſuch felon as aforeſaid; ſo as ſuch order be alſo counter-ſigned by the judges, or one of them, before whom ſuch felon was tryed; which ſaid order after ſuch delivery of ſuch felon ſhall be lodged in the hands of the clerk of the crown or clerk of the peace, where ſuch conviction was had, together with a recept from the perſon, to whom ſuch felon was delivered to be tranſported, to be kept among the records of the court.

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ſhall be as effectual as a pardon pleaded and allowed, and ſufficient warrant for delivery to be tranſported, ſo as it be counterſigned by one of the judges, who tried the felon,

ſaid order to be lodged with clerk of the crown or peace, with a receit from him to whom felon delivered.

XI. Provided, That nothing herein contained ſhall extend to inflict the puniſhment of death on any perſon, who ſhall receive his Majeſty's pardon upon condition of tranſportation for any limitted time, or who ſhall be ordered by his Majeſty, his heirs or ſucceſſors, the lord lieutenant, or other chief governor or governors of this kingdom, to be tranſported for any limitted time, ſo as ſuch perſon be not found in this kingdom before the time in ſuch pardon or order limitted be expired; any law, ſtatute, or uſage, to the contrary thereof in any wiſe notwithſtanding.

Not to extend to inflict death on perſons pardoned on condition of tranſportation, or ordered to be tranſported, for a limitted time, if not found in the kingdom before.

CHAP. IX.

An act for the more effectual erecting and better regulating of free-ſchools, and for rebuilding and repairing of churches.

WHEREAS an act of Parliament made in the twelfth year of the reign of Queen Elizabeth of glorious memory, intituled, *An act for the erecting of free-ſchools*, has not anſwered the pious and good deſign thereby intended, by reaſon of ſundry defects that are in the ſaid act: and whereas the places by the ſaid act appointed for the building and erecting of ſuch free-ſchools, being the principal ſhire-town of every dioceſs, where ſchool-houſes be not already builded, are left at too great an uncertainty, ſome dioceſſes conſiſting only of part of one

29 *G.* 2. 7.

Defects in 12 *El.* 1.

Uncertainty of the ſhire-town of the dioceſe for the ſchool houſe.

A. D. 1725. Chap. 9.

or more counties, and having no ſuch ſhire-town, and others more than one within them; and it being not eaſie in ſome places to determine which is the principal ſhire-town of the dioceſs: be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame; that it ſhall and may be lawful for every archbiſhop, biſhop, dean, dean and chapter, dignitary, or prebendary of a cathedral church, out of any land to him, them, or any of them, in any wiſe belonging, by deed, to be inrolled in the high court of Chancery of this kingdom, to appoint and ſet apart any piece of ground not exceeding one plantation acre, and lying near the cathedral church, or in ſome more convenient part of each reſpective dioceſs, to be approved of by the chief governor or governors of this kingdom for the time being under his or their hand and ſeal, for the uſe of the maſter of the free-ſchool of the ſaid dioceſs; and that ſuch piece of ground ſo ſet out ſhall for ever be deemed and reputed to be the place for the free-ſchool of the ſaid dioceſs; and that in every dioceſs, until ſuch piece of ground ſhall be ſett out and appointed for the place of the free-ſchool, the ſaid free-ſchool ſhall and may be kept in ſuch convenient place within the ſaid dioceſs, as the archbiſhop or biſhop of the ſame can procure either for a yearly rent or otherwiſe.

Biſhops, deans, &c. by deed inrolled may ſet apart 1 acre, approved by C. governors, for the maſter of the free ſchool of the dioceſe:

II. Provided, That where in any dioceſs there already is a piece of ground legally appropriated to the uſe of a dioceſs-ſchool, ſuch piece of ground ſo appropriated ſhall for ever be and remain in the place of the dioceſs-ſchool of the ſaid dioceſs; any thing in this preſent act to the contrary notwithſtanding.

Unleſs a piece of ground already ſo appropriated.

III. And whereas the ſaid act appoints, That the free-ſchool of each dioceſs ſhall be builded and erected at the coſts and charges of the whole dioceſs, without reſpect of freedoms, by the deviſe and overſight of the ordinaries of the dioceſs, or of the vicars-general *(ſede vacante)* and the ſheriff of the ſhire, but no ſufficient way is appointed for the applotting or levying of ſuch money, as upon that occaſion may be found neceſſary; by reaſon whereof, and of the want of fixed and ſettled places to be appropriated unto ſuch ſchools in moſt dioceſſes, no money has ever yet been raiſed for the building of ſuch free-ſchool, and where any ſuch money has been raiſed, it has hitherto turned to very little account: be it therefore enacted by the authority aforeſaid, That no money ſhall be raiſed for erecting of ſuch ſchool, until ſuch time as a place for the ſame ſhall according to this preſent act, or in ſome other ſufficient manner, be appointed; and that from and after

No ſufficient way appointed for levying money for building the ſchools.

No money ſhall be raiſed for building ſuch ſchool till a place appointed;

after ſuch appointment of a place for a free-ſchool within any dioceſs, it ſhall and may be lawful for the grand jury of each county from time to time to preſent ſuch ſum or ſums of money, as they ſhall find reaſonable, to be levied for their reſpective proportion towards the building or repairing ſuch dioceſs-ſchool; which ſum and ſums ſo preſented, the preſentment being confirmed by the court, ſhall be levied upon the whole or ſuch part of the ſaid county, as ſhall be ſituate in each reſpective dioceſs, in ſuch manner as other publick money is levied upon preſentments made by grand juries. A. D. 1725. Chap. 9.

then by preſentment of grand jury, confirmed by the court: 29 G. 2. 7. *amended.* levied on the whole or ſuch part of the county as in each dioceſe,

IV. And be it further enacted by the authority aforeſaid, That when any money ſhall be levied toward the building of a free-ſchool in the manner herein mentioned, the ſame ſhall be paid by the treaſurer of the county into the hands of ſuch perſon, as the grand jury in their preſentment ſhall appoint, who ſhall account for the ſame upon oath in ſuch manner, and at ſuch time, as the reſpective grand juries ſhall direct, or in their preſentment appoint.

paid by treaſurer to perſon in preſentment appointed, to account on oath as by grand jury directed.

V. And whereas two third parts of the yearly ſtipend or ſalary appointed by the ſaid act for the maſter of a free-ſchool, ariſing out of all and ſingular the eccleſiaſtical livings in the reſpective dioceſſes, are divided into ſuch very ſmall parts as to render the collecting of the ſame both troubleſome and expenſive: be it enacted by the authority aforeſaid, That every perſon being a beneficed clergyman, who by vertue of the ſaid act does or ſhall ſtand obliged to pay any part or proportion of the ſaid two third parts, ſhall yearly at the viſitation, held for the proper dioceſs, account with the ſchool-maſter, to whom the ſame ought to be paid, and accordingly pay whatever ſhall appear to be due unto him; and if he ſhall not accordingly pay what ſhall be ſo due within three calendar months after the day of ſuch viſitation, then it ſhall and may be lawful to and for the archbiſhop, biſhop, vicar-general, or chancellor of the dioceſs, to ſequeſter the profits of the benefice belonging to ſuch clergyman for the payment thereof, until the ſame ſhall be levied or paid.

Clergymen, who by ſaid act are to pay two thirds of maſter's ſalary, ſhall account with him at yearly viſitation;

and if not paid in 3 months, livings ſequeſtered.

VI. And whereas moſt of the lands, which were granted by King Charles the firſt to James then lord archbiſhop of Ardmagh and his ſucceſſors in truſt for the maſters of ſeveral free-ſchools for the time being, do to the great diſadvantage of the country continue unimproved, becauſe the tenants holding ſuch lands cannot have a certain intereſt therein for any term of years: be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the archbiſhop of Ardmagh and his ſucceſſors by and

Archbiſhop of Armagh may make leaſes of lands granted by K. C. 1. in truſt

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and with the conſent of the reſpective ſchool-maſters, teſtified by their being parties, and ſigning ſuch leaſe or leaſes, to demiſe, ſett, and to farm lett, all or any part of the ſaid lands for any term not exceeding twenty one years, and for no longer term, from the making thereof, at and under the beſt and moſt improved rent that can be got for the ſame, to be reſerved to the ſaid archbiſhop and his ſucceſſors in truſt for the maſters of the ſaid reſpective ſchools for the time being, ſo as there be no other leaſe in being, which ſhall not expire within one year from the making ſuch leaſe or leaſes.

for ſchoolmaſters, for 21 years, at beſt rent, ſo as no leaſe in being, which is not to expire in a year. 1 G. 2. 15.

VII. And whereas ſeveral pariſhes in this kingdom are, and others are likely to become, non-cures, tho' there are ſeveral proteſtant families inhabiting therein, for want of places of publick worſhip, the pariſh-churches being in ſo great decay that divine ſervice cannot therein be performed, and the ſaid churches cannot be rebuilt or repaired, the popiſh inhabitants of ſuch pariſh obſtructing the ſame by their out-voting the proteſtant inhabitants at their veſtries duly appointed for that purpoſe: for the preventing therefore of papiſts having it in their power to obſtruct the rebuilding and repairing churches for divine worſhip, be it enacted by the authority aforeſaid, That no inhabitant of any pariſh in this kingdom, being a papiſt, ſhall at any time hereafter be capable of giving his or their vote at any veſtry or veſtries in this kingdom, to be held for the purpoſes aforeſaid.

to prevent papiſts from obſtructing the building churches, papiſts ſhall not vote at veſtry.

VIII. And for the more ſpeedy and effectual levying ſuch money as ſhall be agreed upon, aſſeſſed, and ordered, at veſtries for building and repairing of churches; be it enacted by the authority aforeſaid, That the ſame may and ſhall be raiſed and levied by warrant under the hands and ſeals of two or more juſtices of the peace of the county, where ſuch pariſh doth lie, by the church-wardens of ſuch pariſh, by diſtreſs and ſale of the goods of the perſon or perſons refuſing or neglecting to pay the ſum or ſums of money duly applotted and charged on them purſuant to ſuch act of veſtry, together with the charges of ſuch diſtreſs and ſale, returning the overplus, if any ſhall be, any law to the contrary notwithſtanding; and in caſe any perſon or perſons ſhall think him or themſelves agrieved by any ſuch aſſeſſment or applotment to be made as aforeſaid, or the levying thereof, he or they ſhall be at liberty to appeal to the next quarter-ſeſſions held for the ſaid county, who are hereby impowered to hear and finally to determine the ſame.

The money aſſeſſed at veſtry levied by church-wardens by warrant of 2 juſtices by diſtreſs on refuſal. 3 G. 2. 11.

Appeal to next quarter-ſeſſions.

CHAP.

A. D. 1725.

CHAP. X.

An Act to amend and explain an act, intituled, *An act to encourage building of houſes, and making other improvements on church lands, and to prevent dilapidations.*

explained and inforced 9 *G.* 2. 13. & 15 *G.* 2. 5: 31 *G.* 2. 11.

WHEREAS an act paſſed in the tenth year of King William the third of glorious memory, intituled, *An act to encourage building of houſes, and making other improvements on church-lands, and to prevent dilapidations,* which hath been found by experience in many inſtances not to anſwer the good and pious ends propoſed by the ſaid act; but on the contrary, that ſeveral eccleſiaſtical livings have been overburthened with larger ſums payable by the ſucceſſors in ſuch livings, where houſes have been built, and certified purſuant to the ſaid act, than the ſame have been able to bear; and in many places the houſes, built upon the encouragement of the ſaid act, have been of ſuch bad materials, or ſo ill built, or contrived, as to be of little uſe to the ſucceſſor in ſuch eccleſiaſtical living: for remedy whereof, and for clearing ſeveral doubts, which have ariſen concerning the execution of the ſaid act; be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of May, which ſhall be in the year of our Lord one thouſand ſeven hundred and twenty ſix, when any certificate ſhall be given or made out by vertue of the ſaid act for any ſum or ſums of money to be charged upon any archbiſhoprick, biſhoprick, or other eccleſiaſtical living, for any building or improvements, ſuch certificate ſhall contain a true account of the clear yearly value or income of the ſaid archbiſhoprick, biſhoprick, or eccleſiaſtical living, as the ſame ſhall be proved to be before ſuch perſons reſpectively, who ſhall grant ſuch certificate, at or before the time of making out ſuch certificate, whoſe judgment therein ſhall be final; and that the ſaid yearly value or income ſhall be computed of that particular eccleſiaſtical living only, whereon ſuch building or improvements are made, and no other, unleſs there be a real union by or purſuant to any act of Parliament of the ſaid eccleſiaſtical living with other livings, from which it is inſeparable.

10 *W.* 3. 6. not anſwering the ends propoſed:

Livings overburthened:

Houſes thereon ill built, *&c.*

to remove doubts on ſaid act:

Certificates by virtue of 10 *Wil.* 3. 6. for money charged on biſhopricks or livings for improvements, ſhall contain account of clear yearly value thereof, as then proved, but of the particular living only whereon the improvements are, unleſs inſeparably united by act of Parliament.

9 *G.* 2. 13. *a proviſion for omiſſions of ſuch account in certificates.*

II. And whereas by the ſaid act it is enacted, That every eccleſiaſtical perſon therein mentioned, who ſhall make any build-

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ings or improvements upon his glebe or demeasn-lands, the value whereof shall be certified as by the said act is appointed, shall have and receive from his next and immediate successor, his executors or administrators respectively, two thirds of the sum or sums expended and laid out in the same; and that such successor, having paid the two thirds of the sum or sums so certified, shall and may receive one moiety of what he has so paid from his next successor: be it enacted by the authority aforesaid, That,

Instead of the payments by 10 Wm. 3. 6. bishops or ecclesiasticks on certificate of improvements shall receive 3 4ths from successor who shall have 2 9ths from his successor, and he half from his successor. 1 G. 2. 15. 9 G. 2. 29.

instead of the several payments in and by the aforesaid recited act directed to be paid, every archbishop, bishop, and other ecclesiastical person whatsoever, who shall from and after the first day of May aforesaid make, build, erect, add to, or repair any house, out-houses, garden, or other necessary improvement on his demeasn, glebe, or mensal lands, in the manner herein before directed, for which a certificate shall be obtained, as by this act is appointed, such archbishop, bishop, or other ecclesiastical person, his executors, or administrators respectively, shall from his next and immediate successor have and receive three fourths of the sum or sums so certified; and such successor, having paid the three fourths of the sum or sums so certified as aforesaid, his executors or administrators respectively, shall and may receive two thirds thereof (that is) one moiety of the sum first certified from his next successor; which successor, having paid the said moiety of the said first sum, his executors or administrators, shall and may receive from his next successor one half thereof, that is, one fourth part of the sum or sums in the first certificate mentioned, all which sums so to be paid and received shall and may be paid and recovered within the times, and in the same manner, as the sums to be paid and recovered by the said former act are directed and appointed to be paid and recovered; any thing in the said former act to the contrary notwithstanding.

all paid as by said act.

No successor obliged to pay more than 1 year, and a half's income.

III. And be it enacted by the authority aforesaid, That no person, who shall hereafter succeed into any archbishoprick, bishoprick, or other ecclesiastical living, shall be obliged to pay his predecessor, or the executors, or administrators of his predecessor, by vertue of any certificate or certificates for building or improving on church lands, any more or greater sum than the clear value of one year and a half's income so limitted as aforesaid.

No certificate for a building, unless of stone or brick and lime, with oak or firr timber, (except bog-oak) and slated, &c.

IV. And be it further enacted by the authority aforesaid, That no certificate shall be hereafter given or made out for any dwelling-house or building upon church-lands by vertue of the above mentioned act, unless the said dwelling-house or building be made of stone and lime, or brick and lime, and timbred in the roof, and in the floors of such dwelling-house, with oak or firr-timber, bogg-oak excepted, and covered with slates, shingles,

ſhingles, or tiles, and the building ſtrong, laſting, and durable; except livings under a hundred pounds a year, where ſuch houſes or buildings may be covered with thatch; provided the timber be ſuch as is before ſpecified. A. D. 1725. Chap. 10.

but on livings under 100*l. per ann.* the houſes may be thatched, if the timber as aforeſaid.

V. And whereas in divers biſhopricks of this kingdom there are no manſe houſes or menſal lands convenient for the reſidence of the biſhop: be it enacted by the authority aforeſaid, That where in any dioceſs of this kingdom the biſhop of the dioceſs hath no more than one hundred acres of menſal lands, it ſhall and may be lawful to and for every ſuch biſhop, and his ſucceſſors in the ſaid dioceſs, to purchaſe to the uſe of ſuch biſhop and his ſucceſſors, by and with the conſent of the archbiſhop of the province under his archiepiſcopal ſeal, any lands in the ſaid dioceſs, not exceeding in quantity the number of two hundred acres plantation meaſure; upon which purchaſe there may be reſerved out of ſuch lands any yearly rent, not exceeding one half of the improved yearly value of ſuch lands at the time of the purchaſe; which ſaid rent ſo reſerved ſhall be a charge, and continue chargeable, on ſuch lands ſo purchaſed in the hands of every ſuch biſhop, and his ſucceſſors for ever.

Biſhop having only 100 acres menſal lands may, with conſent of archbiſhop, purchaſe 200; out of which rent may be reſerved one half of improved value at time of purchaſe, and continue a charge in hands of biſhop and his ſucceſſors:

VI. And be it further enacted by the authority aforeſaid, That all lands ſo purchaſed ſhall be and continue menſal lands to all intents and purpoſes whatſoever; and that every biſhop, who ſhall purchaſe any ſuch lands, or ſhall build an houſe, and make any other improvements thereon, convenient and proper for the reſidence of ſuch biſhop and his ſucceſſors, ſuch biſhop or his executors and adminiſtrators ſo purchaſing, building, or improving, ſhall have and recover ſuch proportion of ſuch purchaſe-money, and of ſuch money, as ſhall be ſo laid out in building and other improvements, as a biſhop is or ſhall be intitled to for houſes built upon his menſal lands by this act, and to be recovered in manner as is herein before mentioned.

ſuch purchaſe ſhall continue menſal lands; and biſhop ſhall recover ſuch proportion thereof and for improvements, as aforeſaid.

VII. And be it enacted by the authority aforeſaid, That from and after the twenty fifth day of April, which ſhall be in the year of our Lord one thouſand ſeven hundred and twenty ſix, every archbiſhop, biſhop, or other eccleſiaſtical perſon, intending to erect or make any building or improvement upon his reſpective demeain or glebe-lands, ſhall, at the leaſt three months before he begins the ſame, give unto the perſon or perſons, who by this or the other above mentioned act is or are impowered to give them ſuch certificate as is above ſet forth, a writing ſubſcribed with his hand in the preſence of two credible witneſſes, ſetting forth the length, breadth, height, and thickneſs of the wall of ſuch houſe or houſes, as he intends to build, with the number of ſtories in them or each of them to be contained, together

Biſhops, &c. 3 months before building or improvements begun, ſhall give a writing of the particulars intended, ſigned and witneſſed, to the perſon who is to give ſuch certificate:

explained and inforced 9 G. 2. 13. & 17 G. 2. 8.

A. D. 1725. Chap. 10.

gether with the ſituation of the ground, on which the ſame are to ſtand; as alſo the nature and extent of all other improvements, which he ſo intends to make; a copy of which writing, if approved of, ſhall be returned unto ſuch archbiſhop, biſhop, or other eccleſiaſtical perſon, in like manner ſubſcribed by the perſon or perſons unto whom the ſame is ſo given; and if the ſaid houſe, houſes, or improvements, or ſo much of the ſame as ſhall be built, or made before the death or removal of the reſpective incumbent undertaking the ſame, ſhall be found agreeable unto what is contained in ſuch writing, and the value thereof ſo reported by commiſſioners for that purpoſe, to be appointed as herein after is mentioned, then, and not otherwiſe, ſuch a certificate, as is above mentioned, ſhall be given for the ſame according to the value of ſuch houſe or houſes, and improvements, ſo reported, and under the limitations of this preſent act.

if approved, a copy returned ſubſcribed,

and if the improvements agree with the writing, and ſo reported by commiſſioners, then ſuch certificate ſhall be given.

VIII. Provided, That no wainſcot made or to be made in ſuch houſe, as is above mentioned, ſhall be looked on as an improvement, or certified as ſuch, except the eccleſiaſtical benefice, whereunto ſuch houſe belongs, ſhall appear to be of the clear value of three hundred pounds *per annum*.

Wainſcot not deemed improvement, unleſs the benefice 300l. *per annum*.

IX. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the chief governor or governors of this kingdom for the time being, and every archbiſhop and biſhop reſpectively, to grant any commiſſion to two or more perſons to view and examine the houſes and improvements, made on church lands by vertue of this or the before mentioned act, and to adminiſter an oath to the ſaid commiſſioners, ſo appointed as aforeſaid, to return a true, juſt, and faithful account and eſtimate of the ſaid buildings and improvements according to the beſt of their ſkill and knowledge; and the ſaid commiſſioners ſhall likewiſe have power to examine witneſſes upon oath upon any article of account given in, and alledged to be expended in building the ſaid houſes, and making the ſaid improvements; and where any archbiſhop, biſhop, or other eccleſiaſtical perſon, ſhall build any houſe or out-houſes, or make other improvements upon their menſal lands or glebes, and ſhall obtain a certificate for the ſame in purſuance of this preſent act, if the ſaid archbiſhop, biſhop, or other eccleſiaſtical perſon, his or their executors or adminiſtrators, ſhall demand payment for the ſaid houſes and improvements according to the certificate granted; upon complaint of the ſaid ſucceſſor or ſucceſſors of dilapidations in the ſaid houſe, out-houſes, or improvements, then and in ſuch caſe a commiſſion ſhall be granted in the manner, and with the powers aforeſaid, to view and examine the ſaid buildings and improvements; and the commiſſioners ſhall return a juſt report of the ſame to the chief

C. governors and biſhops may commiſſion perſons to examine improvements on church lands, and ſwear them to give juſt eſtimate;

Commiſſioners may examine on oath.

On complaint by ſucceſſor of dilapidations ſuch commiſſion ſhall be granted, and on report allowance deducted for dilapidations,

chief governor or governors for the time being, archbiſhop or biſhops reſpectively, who, upon hearing the allegations of each party, ſhall aſcertain ſuch ſum or ſums, as he or they ſhall judge reaſonable to be allowed for ſuch dilapidations; which ſaid ſums ſhall be deducted out of the ſum or ſums payable by the ſucceſſor or ſucceſſors, and ſhall by him or them be laid out in repairing ſuch houſes, buildings, or improvements; and ſuch ſucceſſor ſhall in the ſpace of twelve months produce proper vouchers to the chief governor or governors for the time being, archbiſhop, or biſhop of the dioceſs reſpectively, that the ſame has been juſtly laid out on ſuch repairs.

and vouchers produced by the ſucceſſor in 12 months of laying the ſame out in repairs.

X. Provided always, That the above mentioned act of the tenth year of King William, ſhall be and continue in full force in all points (except where the ſame is altered, amended, explained, and limitted by this preſent act.)

10 *Will.* 3. 6. ſhall continue in force, except where altered, &c.

XI. Provided alſo, That nothing in this preſent act contained ſhall extend, or be conſtrued to extend, to any certificates granted, or to be granted, for houſes or improvements upon menſal lands or glebes already made or begun, and which have not been certified for according to the ſaid act.

Not to extend to certificates for improvements already made or begun, &c.

XII. And be it further enacted by the authority aforeſaid, That where any archbiſhop, biſhop, or dean, ſhall be diſpoſed to erect one or more alms-houſe or alms-houſes upon any convenient place of his menſal lands, or other lands out of leaſe; ſuch archbiſhop, or biſhop, or ſuch dean, with the conſent of the biſhop of the dioceſs under his epiſcopal ſeal, may ſet apart ſo much thereof (not exceeding one acre for any one alms-houſe) as may be ſufficient for that uſe, and may convey the ſame by proper deeds to the church-wardens of the pariſh, and their ſucceſſors for ever, to be applied to the uſe of an alms-houſe, and for no other purpoſe whatſoever; and that ſuch church-wardens and their ſucceſſors ſhall be and are hereby made perſons capable to take and to hold to them and their ſucceſſors any lands ſo granted as aforeſaid, ſo as ſuch deeds be regiſtered in the reſpective regiſtries of the ſaid archbiſhop or biſhop; which deeds ſo regiſtered ſhall be judged a full and effectual conveyance in the law of ſuch part of the ſaid menſal or other lands, ſo long as they continue for the uſe of ſuch alms-houſes, and no longer.

Biſhops or deans with conſent, erecting alms-houſes may convey 1 acre of menſal or lands out of leaſe for one alms-houſe by deed to church-wardens regiſtered.

XIII. And whereas in the ſeveral parts of this kingdom there are large tracts of bogg and fenny grounds appertaining to ſeveral of the archbiſhops and biſhops of this kingdom, which are, or are reputed to be, part of their demeaſn lands wholly unimproved, and of little or no advantage to the ſaid archbiſhops and biſhops, by reaſon that no leaſes for any certain term of years can be made thereof for the encouragement of ſuch tenants as might undertake

A. D. 1725. Chap. 10.

or attempt to drain or improve the ſame, and to the great detriment of the publick, as well as of the ſaid archbiſhops and biſhops: for remedy whereof, be it enacted by the authority aforeſaid, that it ſhall and may be lawful to and for the ſeveral archbiſhops, with the conſent of the chief governor or governors of this kingdom for the time being under his and their hands and ſeals, and to and for the ſeveral biſhops, with the conſent of the archbiſhop of the province under his hand and archiepiſcopal ſeal, to leaſe or demiſe any parcel or parcels of ſuch bogg or fenny ground ſo appertaining, or reputed to appertain, to their demeſn lands, for any term not exceeding ſixty years, in poſſeſſion, without fine, reſerving the beſt and moſt improved rent that can be got for ſuch bogg or fenny grounds at the time of making ſuch leaſe.

Archbiſhops and biſhops, with conſent, may leaſe bog or fenny parts of their demeſnes 60 years in poſſeſſion, without fine, at the beſt rent:

XIV. Provided, That every ſuch archbiſhop or biſhop, over and above ſuch bogg and fenny grounds ſo to be demiſed, ſhall be poſſeſſed of three hundred acres, plantation meaſure, of good arable and paſture lands belonging to his dwelling-houſe as demeaſn, and ſhall reſerve a turbary, ſufficient for the uſe of ſuch dwelling-houſe and the tenants of ſuch demeaſn lands.

if the reſt of the demeſne 300 acres,

and ſufficient turbary reſerved.

XV. Provided alſo, That no ſuch leaſe ſhall at any time be renewed for any longer term than the term of twenty one years; and that at every ſuch renewal the ſaid land ſhall be ſet at three fourths of the full value of the ſaid lands at the time of ſuch renewal.

Renewals not to be above 21 years; at three fourths of full value.

XVI. And whereas ſeveral of the archbiſhops and biſhops of this kingdom are ſeized in right of their reſpective archbiſhopricks and biſhopricks of large tracts of bogg or boggy and fenny grounds, not being parcel of their demeaſn, which have hitherto lain wholly waſte and uncultivated, and have been uſually demiſed for twenty one years with the lands or farms of ſuch archbiſhop and biſhop, to which they lie contiguous and are next adjoyning, as members and appurtenances thereof, without yielding any rent or profit to ſuch archbiſhop or biſhop, or being of any real value to the tenants, that hold ſuch lands, by reaſon of the ſhortneſs of the term for which the ſame are demiſed: be it enacted by the authority aforeſaid, That from and after the firſt day of May aforeſaid, it ſhall and may be lawful for every archbiſhop with the conſent of the chief governor or governors of this kingdom, and for every biſhop with the conſent of the archbiſhop of the province, granted in the manner herein before directed, to make ſeparate and diſtinct leaſes of all ſuch tracts of bogg, or boggy and fenny grounds, which lie contiguous to any of their lands and farms, and of which they are ſo ſeized as aforeſaid, to the ſeveral and reſpective tenants of ſuch lands or farms, or, if out of leaſe, to any perſon

and may leaſe as aforeſaid bog or fenny grounds not part of demeſne to the tenants of lands contiguous; or, if out of leaſe, to any perſon.

perſon or perſons whatſoever for any term not exceeding ſixty years, in poſſeſſion, without fine, and at the higheſt rent that can be had for the ſame. A. D. 1725. Chap. 10.

XVII. Provided always, and be it enacted by the authority aforeſaid, That if any archbiſhop or biſhop, under colour or pretence of the powers hereby granted to demiſe for the term of ſixty years any tract of bogg or boggy and fenny grounds, ſo adjacent as aforeſaid to any other lands or farms belonging to the reſpective archbiſhopricks or biſhopricks, ſhall include in ſuch demiſes any of the profitable lands belonging to ſuch farms, or ſhall leſſen or diminiſh the yearly rent, or any part thereof, that now is, or at the time of making ſuch leaſe of ſixty years ſhall be, reſerved upon ſuch farm, for which ſuch tracts of bogg, or boggy and fenny grounds are contiguous and next adjoyning as aforeſaid, or include in any ſuch leaſe, not exceeding ſixty years as aforeſaid, any other lands belonging to their reſpective ſees, then and in all ſuch caſes every ſuch leaſe as aforeſaid ſhall be utterly void to all intents, conſtructions, and purpoſes whatſoever; any thing herein contained to the contrary notwithſtanding. if profitable lands, &c. included, or yearly rent diminiſhed, ſuch leaſe void.

XVIII. Provided alſo, and be it further enacted by the authority aforeſaid, That from and after the expiration, ſurrender, or other determination, of ſuch leaſe to be made by vertue of this preſent act, not exceeding ſixty years as aforeſaid, no other or longer leaſe of ſuch boggy or fenny grounds, nor in any other manner, ſhall be made, than is preſcribed in and by an act made in the tenth and eleventh years of the reign of King Charles the firſt, intituled, *An act for the preſervation of the inheritance, rights, and profits of lands belonging to the church and perſons eccleſiaſtical.* After determination of ſuch leaſe, no other ſhall be made, except as by 10 and 11 *C.* 1. 3.

THE

A. D. 1727.

THE FIRST YEAR OF GEORGE II.

Acts and ſtatutes made in a Parliament begun at Dublin the twenty eighth day of November, *Anno Dom.* 1727; in the firſt year of the reign of our moſt gracious ſovereign lord King GEORGE the ſecond, before his excellency John lord Carteret, lord lieutenant general, and general governor of Ireland.

CHAP. I.

An Act for granting and continuing to his Majeſty the additional duties on beer, ale, ſtrong waters, tobacco, and other goods and merchandizes: and alſo upon all ſorts of wine, ſtrong waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine; and alſo for granting and continuing the ſeveral further additional duties on beer, ale, aqua vitæ, and ſtrong waters, brewed and made in this kingdom; and upon brandy or ſpirits above proof; and on tea, coffee, chocolate, and cocoa-nuts.

WE your Majeſty's moſt dutiful and loyal ſubjects, the commons of Ireland in Parliament aſſembled, being highly ſenſible of the great bleſſings and felicity we enjoy by your Majeſty's happy acceſſion to the throne of your anceſtors; and well knowing that the ſecurity, peace, and proſperity of this your Majeſty's realm, neceſſarily depend on the ſupport of your Majeſties government; and being deeply

ſenſible of your Majeſty's indulgent care of this your kingdom, and of your tender concern for the happineſs and proſperity thereof) and being well aſſured that your Majeſty will preſerve to us the ineſtimable bleſſings, which we enjoy under your moſt auſpicious reign; in grateful acknowledgement thereof, and for the ſupport of your Majeſty's government with honour, do chearfully and readily give and grant to your Majeſty the ſeveral additional rates and duties of exciſe herein after mentioned; and do moſt humbly beſeech your Majeſty, that it may be enacted, and be it enacted, by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſeveral and reſpective additional rates, duties, and impoſitions for and upon beer, ale, ſtrong waters, tobacco, and other goods and merchandizes, which in and by one act of Parliament made and paſſed in the ſecond year of the reign of his late Majeſty King George the firſt of glorious memory, intituled, *An act for granting to his Majeſty an additional duty on beer, ale, ſtrong waters, tobacco, and other goods and merchandizes*, were granted unto his Majeſty, or chargeable in manner therein mentioned, from the twenty firſt day of November one thouſand ſeven hundred and fifteen, during the ſpace of ſix kalendar months, and which by one other act made and paſſed in the ſecond year of his ſaid late Majeſty's reign were continued until the twenty firſt day of November in the year of our Lord one thouſand ſeven hundred and ſeventeen inclusive, and which by one other act made and paſſed in the fourth year of his ſaid late Majeſty's reign were continued until the twenty firſt day of November in the year of our Lord one thouſand ſeven hundred and nineteen inclusive, and which by another act paſſed in the ſixth year of his ſaid late Majeſty's reign were continued until the twenty fifth day of December one thouſand ſeven hundred and twenty one inclusive, and which by one other act made and paſſed in the eighth year of his ſaid late Majeſty's reign were continued until the twenty fifth day of December one thouſand ſeven hundred and twenty three inclusive, and which by one other act made and paſſed in the tenth year of his ſaid late Majeſty's reign, intituled, *An act for granting and continuing to his Majeſty the additional duties on beer, ale, ſtrong waters, tobacco, and other goods and merchandizes, and alſo upon all ſorts of wine, ſtrong waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine, and alſo for granting and continuing the further additional duties on beer, ale, aqua vitæ, and ſtrong waters, brewed and made in this kingdom, and upon brandy or ſpirits above proof, and on tea, coffee, chocolate, and cocoa-nuts, and alſo a tax on all ſalaries, profits of employments, fees, and penſions therein mentioned, and for ſecuring the re-payment of fifty thouſand pounds* ſterling, *formerly advanced to his Majeſty for the uſe of the publick, together with the intereſt thereof*, were granted and continued until the twenty fifth day of December one thouſand ſeven hundred and twenty five inclusive, and which by another act paſſed in the twelfth year of his ſaid late Majeſty's reign, intituled, *An act for granting and continuing to his Majeſty the additional duties on beer, ale, ſtrong waters, tobacco, and other goods and merchandizes; and alſo upon all ſorts of wine, ſtrong waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine, and alſo for granting and continuing the further additional duties on beer, ale, aqua vitæ, and ſtrong waters brewed and made in this kingdom, and upon brandy or ſpirits above proof, and on tea, coffee, chocolate, and cocoa-nuts, and alſo for granting a further additional duty upon brandy or ſpirits above proof, and alſo a tax on all ſalaries, profits of employments, fees, and penſions therein mentioned, and for ſecuring the re-payment of fifty thouſand pounds* ſterling, *formerly advanced to his Majeſty for the uſe of the publick, together with the intereſt thereof*, were granted and continued until the twenty fifth day of December one thouſand ſeven hundred and twenty ſeven inclusive, be further granted, raiſed, continued, levied, collected, and paid, unto his Majeſty, his heirs and ſucceſſors, from the twenty fifth day of December one thouſand ſeven hundred and twenty ſeven until the twenty fifth day of March, which will be in the year of our Lord one thouſand ſeven hundred and twenty eight inclusive.

Additional duties on beer, ale, &c. granted by 2 G. 1. 1. and continued from time to time,

2 G. 1. 7.

4 G. 1. 1.

6 G. 1. 4.

8 G. 1. 1.

10 G. 1. 1.

12 G. 1. 1.

further continued to 25 Mar. 1728.

II. And

Additional duties on wine, ſpirits, &c. granted by 2 G. 1. 3. and continued 4 G. 1. 2. with additional duties on beer, ale, &c.

II. And be it further enacted by the authority aforeſaid, That the ſeveral and reſpective additional rates, duties, and impoſitions for and upon all ſorts of wines, and ſtrong waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine, imported into this kingdom, which in and by one act of Parliament made and paſſed in the ſecond year of his ſaid late Majeſty's reign, intituled, *An act for granting to his Majeſty an additional duty on all wines and ſtrong waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine, and alſo a tax on all ſallaries, profits of employments, fees, and penſions therein mentioned*, were granted unto his ſaid late Majeſty, or chargeable in manner therein mentioned, until the twenty firſt day of November one thouſand ſeven hundred and ſeventeen incluſive, and which by an act made and paſſed in the fourth year of his ſaid late Majeſty's reign, intituled, *An act for continuing to his Majeſty an additional duty on all wines and ſtrong waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine, and alſo a tax on all ſallaries, profits of imployments, fees, and penſions, therein mentioned, and for granting a further additional duty on ale, beer, and ſtrong-waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine, and for ſecuring the repayment of fifty thouſand pounds* ſterling, *formerly advanced unto his Majeſty for the uſe of the publick, together with the intereſt thereof*, were further continued until the twenty firſt day of November in the year of our Lord one thouſand ſeven hundred and nineteen incluſive, and likewiſe the further and other additional duties and impoſitions on beer, ale, *aqua vitæ*, and ſtrong waters, brewed, made, and diſtilled in this kingdom, and upon brandy or ſpirits above proof imported into this kingdom, which in and by the ſaid laſt mentioned act were granted unto his Majeſty until the twenty firſt day of November one thouſand ſeven hundred and nineteen incluſive, which ſeveral and reſpective additional duties and impoſitions upon all ſorts of wines, and ſtrong-waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine, imported into this kingdom, and upon beer, ale, *aqua vitæ*, and ſtrong waters, brewed, made, and diſtilled in this kingdom, and upon brandy or ſpirits above proof imported into this kingdom, by an act made and paſſed in the ſixth year of his ſaid late Majeſty's reign, were further granted and continued until the twenty fifth day of December one thouſand ſeven hundred and twenty one incluſive, and which by the ſaid act made and paſſed in the eighth year of his ſaid late Majeſty's reign, were further granted and continued until the twenty fifth day of December one thouſand ſeven hundred and twenty three incluſive; and by the before mentioned act made and paſſed in the tenth year of his ſaid late Majeſty's reign, intituled, *An act for granting and continuing to his Majeſty the additional duties on beer, ale, ſtrong waters, tobacco, and other goods and merchandizes, and alſo upon all ſorts of wine, ſtrong waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine, and alſo for granting and continuing the further additional duties on beer, ale, aqua vitæ, and ſtrong-waters, brewed and made in this kingdom, and upon brandy or ſpirits above proof; and on tea, coffee, chocolate, and cocoa-nuts, and alſo a tax on all ſalaries, profits of imployments, fees, and penſions therein mentioned, and for ſecuring the re-payment of fifty thouſand pounds* ſterling, *formerly advanced to his Majeſty for the uſe of the publick, together with the intereſt thereof*, were granted and continued until the twenty fifth day of December one thouſand ſeven hundred and twenty five incluſive, and which by another act paſſed in the twelfth year of his ſaid late Majeſty's reign, intituled, *An act for granting and continuing to his Majeſty the additional duties on beer, ale, ſtrong waters, tobacco, and other goods and merchandizes, and alſo upon all ſorts of wine, ſtrong waters, and ſpirits perfectly made; and upon all ſpirits made and diſtilled of wine, and alſo for granting and continuing the further additional duties on beer, ale, aqua vitæ, and ſtrong waters, brewed and made in this kingdom, and upon brandy or ſpirits above proof, and on tea, coffee, chocolate, and cocoa-nuts; and alſo for granting a further additional duty upon brandy or ſpirits above proof; and alſo a tax on all ſalaries, profits of employments, fees, and penſions therein mentioned; and for ſecuring the re-payment of fifty thouſand pounds* ſterling, *formerly advanced to his Majeſty for the uſe of the publick, together*

and 6 G. 1. 4.

8 G. 1. 1.

10 G. 1. 1.

12 G. 1. 1.

further continued to 25 Mar. 1728.

A. D. 1727. Chap. I.

together with the interest thereof, were granted and continued until the twenty fifth day of December one thousand seven hundred and twenty seven inclusive, be further granted, continued, raised, levied, collected, and paid to his Majesty, his heirs and successors, from the said twenty fifth day of December one thousand seven hundred and twenty seven, until the said twenty fifth day of March, which will be in the year of our Lord one thousand seven hundred and twenty eight inclusive.

III. And be it further enacted by the authority aforesaid, That for the better levying and collecting the several rates and duties hereby granted and continued, and also for a further supply to his Majesty, all and every the rules, directions, powers, and authorities, relating to brewers mixing their beer and ale, and distillers distilling of strong waters, and all penalties and forfeitures arising thereby and therefrom, given and granted in and by the before mentioned act passed in the fourth year of his said late Majesty's reign, intituled, *An act for continuing to his Majesty an additional duty on all wines and strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine, and also a tax on all sallaries, profits of employments, fees, and pensions, therein mentioned, and for granting a further additional duty on ale, beer, and strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine, and for securing the repayment of fifty thousand pounds* sterling, *formerly advanced unto his Majesty for the use of the publick, together with the interest thereof*, which were to continue from the twenty first day of November one thousand seven hundred and seventeen until the twenty first day of November one thousand seven hundred and nineteen inclusive, and which were further granted and continued from the said twenty first day of November one thousand seven hundred and nineteen until the twenty fifth day of December one thousand seven hundred and twenty one inclusive by the before mentioned act passed in this kingdom in the sixth year of his said late Majesty's reign, and which were further granted and continued from the said twenty fifth day of December one thousand seven hundred and twenty one until the twenty fifth day of December one thousand seven hundred and twenty three inclusive by the before mentioned act passed in the eighth year of his said late Majesty's reign, and which were further granted and continued from the said twenty fifth day of December one thousand seven hundred and twenty three until the twenty fifth day of December one thousand seven hundred and twenty five inclusive by the before mentioned act passed in the tenth year of his said late Majesty's reign, and which were further granted and continued from the said twenty fifth day of December one thousand seven hundred and twenty five until the twenty fifth day of December one thousand seven hundred and twenty seven inclusive by the before mentioned act passed in the twelfth year of his said late Majesty's reign, shall be and continue in full force to all intents and purposes from the said twenty fifth day of December one thousand seven hundred and twenty seven until the twenty fifth day of March, which will be in the year of our Lord one thousand seven hundred and twenty eight inclusive.

4 G. 1. c. 2.

to 25 March 1728.

Additional duty of 3 s. and 4 d. *per* gallon on brandy or spirits above proof to 25 March 1728.

IV. And be it enacted by the authority aforesaid, That for a further supply to be granted to his Majesty from and after the twenty fifth day of December one thousand seven hundred and twenty seven until the twenty fifth day of March, which will be in the year of our Lord one thousand seven hundred and twenty eight inclusive, there shall be granted, continued, raised, collected, levied, and paid unto his Majesty, his heirs and successors, throughout this his Majesties kingdom of Ireland, for and upon all brandy or spirits above proof, that shall be imported into this kingdom during the time aforesaid; the further additional duty herein after mentioned: (that is to say) for every gallon of such brandy or spirits above proof the sum of three shillings and four pence, and so proportionably for a greater or lesser quantity.

V. And

Additional duties on coffee, &c. 6 G. 1. c. 4.

V. And be it further enacted by the authority aforesaid, That the several additional rates and duties upon all coffee, tea, chocolate, and cocoa-nuts, granted by the before mentioned act passed in this kingdom in the sixth year of his said late Majesty's reign, intituled, *An act for additionally to his Majesty the additional duties on beer, ale, strong waters, tobacco, and other goods and merchandizes, and also upon all sorts of wines, strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine, and also a duty on all foreigners goods of implements, tools, and persons therein mentioned, and for continuing the further additional duty on ale, beer, and strong waters and spirits perfectly made, and upon spirits made and distilled of wine, and for granting an additional duty on molasses, treacle, tea, coffee, chocolate, and cocoa-nuts, and for securing the re-payment of fifty thousand pounds* sterling, *formerly advanced unto his Majesty for the use of the publick, together with the interest thereof*, from the first day of September one thousand seven hundred and nineteen until the twenty fifth day of December one thousand seven hundred and twenty one inclusive, and which were further granted from the said twenty fifth day of December one thousand seven hundred and twenty one until the twenty fifth day of December one thousand seven hundred and twenty three inclusive, and which were further granted by the before mentioned act, passed in the tenth year of his said late Majesty's reign, from the twenty fifth day of December one thousand seven hundred and twenty three until the twenty fifth day of December one thousand seven hundred and twenty five inclusive, and which by the said act made in the twelfth year of his said late Majesty's reign were further granted from the said twenty fifth day of December one thousand seven hundred and twenty five to the said twenty fifth day of December one thousand seven hundred and twenty seven inclusive, be further granted, and continued, levied, raised, and paid, to his Majesty, his heirs and successors, from the said twenty fifth day of December one thousand seven hundred and twenty seven until the twenty fifth day of March, which will be in the year of our Lord one thousand seven hundred and twenty eight inclusive.

to 25 March 1728.

VI. And be it further enacted by the authority aforesaid, That the said additional rates and duties on coffee, tea, chocolate, and cocoa-nuts, and all money arising thereby, shall be paid to the trustees appointed for the management of the hempen and flaxen manufactures of this kingdom, to be by them applied to encourage and support the said manufactures, and the trade thereof, in this kingdom.

to trustees of hemp-manufacture.

VII. And be it further enacted by the authority aforesaid, That all and every the several and respective additional duties, hereby granted or continued, shall be raised, answered, collected, and paid, unto his Majesty, his heirs and successors, during the term aforesaid, at the same time, in like manner, and by such ways, means, and methods, and by such rules and directions, and under such penalties and forfeitures, and with such powers as are appointed, directed, and expressed in and by an act made in this kingdom in the fourteenth year of the reign of King Charles the second, intituled, *An act for the settling of the excise or new impost upon his Majesty, his heirs and successors, according to the book of rates therein inserted*, or by any other law now in force relating to the revenue or excise in this kingdom, as fully and effectually to all intents and purposes as if the same were particularly mentioned, expressed, and enacted again in the body of this present act; with the like remedy of appeal to and for the party grieved, as in and by the said act of excise is provided.

14 & 15 C. 2. 8.

VIII. And be it further enacted by the authority aforesaid, That the six pence *per* pound, and all other fees, which shall or may be payable to the vice-treasurer, receiver, or pay-master-general of this kingdom, for, or on account of, or out of, the aids granted unto his Majesty by this act, shall be received by the said vice-treasurer, receiver, or pay-master general, for the use of his Majesty, his heirs or successors, and shall be duly accounted for by him or them to his Majesty, his heirs and successors, as a further and additional aid hereby given and granted.

A. D. 1727.

CHAP. II.

An act for allowing further time to persons in offices to qualify themselves pursuant to an act, intituled, *An act to prevent the further growth of popery.*

WHEREAS several persons well affected to his Majesty's government, and the church of Ireland as by law established, have through ignorance neglected to take and subscribe the oaths, and to make and subscribe the declaration, and to receive the sacrament of the Lord's Supper, according to the directions of an act made in this kingdom in the second year of the reign of her late Majesty Queen Anne, intituled, *An act to prevent the further growth of popery*, and by their inadvertency may have incurred great penalties and forfeitures; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That all and every person or persons, who have incurred any penalties and incapacities in the said act, intituled, *An act to prevent the further growth of popery*, mentioned, by neglecting to qualify themselves according to the said act, shall be and are hereby indemnified, freed, and discharged of and from all incapacities, disabilities, forfeitures, and penalties, incurred by reason of such omission or neglect as aforesaid; and that no act or acts done by them, or any of them, or by authority derived from them, or any of them, and not yet avoided, shall be questioned or avoided by reason of such neglect or omission: but all such acts shall be, and are hereby declared and enacted to be, as good and effectual, as if all and every such person and persons had taken and subscribed the said oaths, and received the said sacrament, and made and subscribed the said declaration, in manner as aforesaid, any thing in the said act to the contrary notwithstanding: nevertheless, so as such person or persons do and shall take and subscribe the said oaths, and receive the said sacrament, and make, repeat, and subscribe the said declaration, in such manner and form, and in such place and places, as are directed and appointed by the said act *to prevent the further growth of popery*, on or before the last day of Easter term, which shall be in the year of our Lord one thousand seven hundred and twenty eight.

Persons not qualifying pursuant to 2 *Anne* 6. indemnified.

their acts not avoided,

so as they qualify by the end of Easter-term 1728.

II. Provided, That this act, or any thing therein contained, shall not extend to restore or intitle any person or persons to any office or imployment already actually avoided by judgment of any of his Majesty's courts of record, or filled up by another person: but that such office or employment shall be and remain in the person or persons, who is or are now intitled by law to the same, as if this act had never been made.

not to restore to offices actually avoided.

III. And

A D. 1727.

III. And whereas a doubt has been conceived, whether ſuch perſons, who have been admitted into any offices or employments, might take and ſubſcribe the oaths, and make, and ſubſcribe, and repeat the declaration in the ſaid act mentioned, in the ſame term, or at the ſame quarter-ſeſſions, in which they were admitted to their offices or employments; be it declared and enacted by the authority aforeſaid, That all and every perſon and perſons, who already have taken and ſubſcribed the ſaid oaths, and made, repeated, and ſubſcribed the ſaid declaration, or ſhall hereafter take and ſubſcribe the ſaid oaths, and make, repeat, and ſubſcribe the ſaid declaration, in ſuch manner and form, and in ſuch place and places, as in and by the ſaid act *to prevent the further growth of popery* are directed, in the ſame term, or at the ſame quarter-ſeſſions, during which he or they have been or ſhall be admitted to ſuch office or employment, ſhall be deemed and adjudged to have taken and ſubſcribed the ſaid oaths, and made, repeated, and ſubſcribed the ſaid declaration, as effectually and fully to all intents, conſtructions, and purpoſes, as if he or they had taken and ſubſcribed the ſaid oaths, and made, repeated, and ſubſcribed the ſaid declaration, in the term or at the quarter-ſeſſions next after ſuch his or their admittance into ſuch office or imployment.

Perſons taking the oaths, &c. as by 2 *Anne* 6. in ſame term or quarter ſeſſions in which admitted to employments, as effectual as if in term or ſeſſions next after.

CHAP. III.

An act for the more ſpeedy and effectual repair of bridges in the ſeveral counties of this kingdom.

WHEREAS by an act made in this kingdom in the ſixth year of the reign of our late Sovereign King George the firſt of glorious memory, intituled, *An act for the better regulating the pariſh-watches, and amending the highways in this kingdom, and for preventing the miſapplication of publick money*, it is enacted, "That no money ſhall be raiſed by preſentment of any grand-ju- "ry for the building or repairing bridges, or for the repair of "any highway or publick road, unleſs there be an affidavit "made by two credible perſons, who live in the neighbourhood, "and have viewed ſuch bridge or place for a bridge of high- "road, that the ſame is wanting or out of repair, and unleſs the "number of perches of ſuch high-road which wants repair, be "aſcertained in ſuch affidavit:" and whereas many bridges, which have been ſuddenly damaged by floods and other accidents, might

By 6 *G.* I. 10. *ſec.* 1. no money can be raiſed by preſentment for repair of a bridge, unleſs on affidavit that out of repair at the time, *&c.*

A. D. 1727. Chap. 3.

Inconvenience thereof.

might have been immediately repaired with little expence, but by suffering the same to lie unrepaired till the following assizes, the same could not after be amended without great charge to the country: and whereas several persons would willingly advance the moneys necessary for the immediate repairs of such bridges, in case the same could be raised at the following assizes; but according to the said act no money can be raised by presentment of any grand-jury for the repair of any bridge, unless at the time of the presentment made it appears to the grand-jury, that the bridge is out of repair: be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That when, and as often as any bridge or bridges, which ought to be repaired by any county in this kingdom, shall be damaged or out of repair, and it shall appear by affidavit made before two justices of the peace, who are hereby impowered to take the same, and subscribed by two credible persons, who live in the neighbourhood, and have viewed such bridge or bridges, that the said damage has happened after the then last assizes, and, if the bridge be in the county of Dublin, after the then last quarter-sessions, and that the repair of the said bridge or bridges cannot be delayed to the then next assizes or quarter-sessions respectively without prejudice to the county: then and in such case, it shall and may be lawful to and for any two or more justices of the peace of the said county, where such bridge is respectively, each having an estate of freehold in lands, tenements, or hereditaments, of the clear yearly value of one hundred pounds at least within the said county, by warrant under their hands and seals to appoint any sum, not exceeding five pounds at any one time, to be laid out for the repair of any one such bridge, and one or more fit or proper person or persons to repair the same; and upon producing such affidavit signed by the said persons, and the said warrant under the hands and seals of the said two or more justices of the peace, and also an affidavit taken before the judge of assize, or any justice of the peace for the county of Dublin, of the person or persons who shall be so appointed to repair such bridge or bridges, that the same hath or have been accordingly well and sufficiently amended and repaired, and the money, appointed for that purpose as aforesaid, truly laid out on the same, before the grand-jury of the said county, at the then next assizes to be held for the said county, and before the grand-jury of the county of Dublin, at the then next quarter-sessions respectively, the said grand-juries are hereby required to make one or more presentment or presentments

Or affidavit of 2 credible neighbours that they viewed the bridge, and that the damage since last assizes (or sessions if in county of Dublin) and that repair cannot without prejudice be delayed, 2 justices, of 100l. *per ann.* freehold in the county may appoint 5 l. for repair and proper persons;

upon which and an affidavit of said persons of repairing the bridge and laying out the money, grand jury shall make presentment for the same; which shall be confirmed.

ments (which the judge or judges of aſſiſe, and juſtices of the peace in the ſaid county of Dublin at the quarter-ſeſſions, before whom the ſame ſhall be made, is and are hereby required to confirm) for the raiſing ſuch ſum or ſums of money as ſhall be ſo appointed, and ſhall appear upon oath to have been laid out for the amending and repairing of ſuch bridge or bridges, to be paid and payable to ſuch perſon or perſons, who ſhall have done the ſaid work, or laid out the money for the making or doing thereof; the ſaid act or any other law or ſtatute to the contrary thereof in any wiſe notwithſtanding. A. D. 1727.

II. Provided always, That no more than the ſum of five pounds ſhall be raiſed at the ſame aſſiſe, or quarter-ſeſſions for the county of Dublin reſpectively, for the repairing or amending any one bridge as aforeſaid. No more than 5 l. at ſame aſſizes, &c. for one bridge.

III. Provided always, That this act ſhall continue and be in force for three years, and to the end of the next ſeſſion of Parliament after the expiration of the ſaid three years, and no longer. Continuance 3 years, &c. 7 years, &c. by 5 G. 2: 6. and to 25 March 1757, by 13 G. 4. and 16 years, &c. by 29 G. 2. 8.

CHAP. IV.

An Act for granting to his Majeſty an additional duty on beer, ale, ſtrong waters, wine, tobacco, and other goods and merchandizes therein mentioned; and alſo a tax on ſalaries, profits of employments, fees, and penſions: and for ſecuring the repayment of fifty thouſand pounds ſterling, *formerly advanced to his late Majeſty for the uſe of the publick, together with the intereſt thereof.*

WE your Majeſty's moſt dutiful and loyal ſubjects the commons of Ireland in Parliament aſſembled, being highly ſenſible of the many ineſtimable bleſſings we enjoy by the happy eſtabliſhment of the proteſtant ſucceſſion to the crown of theſe kingdoms in your Majeſty's royal houſe; and being fully convinced from the tender regard your Majeſty has ſhewn for the religion, laws, and liberties of all your people, and particularly by your gracious aſſurances to us that we may entirely depend upon your royal care to protect your ſubjects of Ireland, and to promote their welfare and happineſs; and being confident that we may reaſonably hope for greater proſperity under your Majeſty's moſt auſpicious reign, than this kingdom has been ever bleſſed with; for the ſupport of your Majeſty's government have in the moſt cheerful manner unanimouſly given and granted the ſeveral rates and additional duties herein after mentioned; and for that end do moſt humbly beſeech your Majeſty that it may be enacted, and be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent parliament aſſembled, and by the authority of the ſame, Duties on beer, &c. to 25 December 1729. *Continued from time to time, and by* 1 G. 3. 1. *till* 25 *Dec.* 1763.

A. D. 1727. Chap. 4.

That from and after the twenty fifth day of March, which ſhall be in the year of our Lord one thouſand ſeven hundred and twenty eight, and to the twenty fifth day of December which ſhall be in the year of our Lord one thouſand ſeven hundred and twenty nine inclusive, there ſhall be throughout this his Majeſty's kingdom of Ireland granted, raiſed, collected, levied, and paid to his Majeſty, his heirs and ſucceſſors, the ſeveral rates and additional duties herein after mentioned: (that is to ſay) for and upon every thirty two gallons of beer or ale of above ſix ſhillings the barrel price, brewed within this kingdom by the common brewer, or in his veſſels, or by any other perſon or perſons, who doth or ſhall ſell or tap out beer or ale publickly or privately, the ſum of two ſhillings; to be paid by the common brewer, or by ſuch other perſon or perſons reſpectively, and ſo proportionably for a greater or leſſer quantity; and for every thirty two gallons of beer or ale of ſix ſhillings the barrel or under, brewed within this realm by the common brewer, or in his veſſels, or by any other perſon or perſons, who doth or ſhall ſell or tap out beer or ale publickly or privately, the ſum of four pence, to be paid by the common brewer, or ſuch other perſon or perſons reſpectively, and ſo proportionably for a greater or leſſer quantity; for every gallon of *aqua vitæ*, ſtrong waters, or ſpirits, made or diſtilled within this kingdom for ſale, the ſum of four pence, to be paid by the firſt maker or diſtiller thereof; for every pound weight of tobbcco imported during the time aforeſaid into this realm, the ſum of three pence halfpenny; for every yard of muſlin imported into this kingdom the ſum of ſix pence; and for every yard of all ſilks and ſtuffs made and manufactured in *Perſia*, *China*, or the *Eaſt-Indies*, imported into this kingdom during the time aforeſaid, the ſum of one ſhilling and ſix pence; for every tun of wine imported into this kingdom during the time aforeſaid, the ſum of four pounds, and ſo proportionably for a greater or leſſer quantity; and for every gallon of brandy, ſtrong waters, and ſpirits perfectly made, and of ſpirits made and diſtilled of wine not above proof, imported into this kingdom during the time aforeſaid, the ſum of eight pence *ſterling*, and ſo proportionably for a greater or leſſer quantity; for every gallon of brandy or ſpirits above proof, which ſhall be imported into this kingdom during the time above limitted, the ſum of five ſhillings, and ſo proportionably for a greater or leſſer quantity; and for and upon every pound weight of tea, imported into this kingdom during the time aforeſaid, the ſum of twelve pence; and for and upon every pound weight of coffee, chocolate, and cocoa-nuts, imported into this kingdom during the time aforeſaid, the ſum of three pence.

II. And be it enacted by the authority aforeſaid, That all and every the additional and other duties hereby granted ſhall be raiſed, levied, collected, and paid unto his Majeſty, his heirs and ſucceſſors, during the time aforeſaid, over and above all other duties payable for the ſame, by virtue of an act made in this kingdom in the fourteenth year of the reign of King Charles the ſecond, intituled, *An act for the ſettling of the exciſe and new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted.* or by virtue of one other act made in the ſaid fourteenth year of the reign of the ſaid King Charles the ſecond, intituled, *An Act for ſettling the ſubſidy of poundage, and granting a ſubſidy of tunnage, and other ſums of money unto his royal Majeſty, his heirs and ſucceſſors the ſame to be paid upon merchandizes imported and exported into or out of the kingdom of Ireland, according to a book of rates hereunto annexed.*

14 & 15 C. 2. 8 & 9.

III. Provided always, and be it enacted by the authority aforeſaid, That if the ſaid wines, ſtrong-waters, ſpirits perfectly made, and ſpirits made and diſtilled of wine and brandy, or ſpirits above proof, upon which the ſaid additional duties are charged, ſhall after payment thereof, or ſecurity given for the ſame, be again exported by any merchant or merchants, that is or are a ſubject or ſubjects of this realm, or any other his Majeſty's dominions, within twelve months; or by merchants ſtrangers within nine months, after the importation thereof, and due proof be firſt made by certificate from the proper officers of the due entry of ſuch wines, ſtrong-waters, ſpirits perfectly made, and ſpirits made and diſtilled of wine, brandy, or

Drawback on export.

or ſpirits above proof, and of the payment of the additional duties hereby granted and charged thereon, or ſecurity being given for the ſame, and that all other requiſites ſhall have been performed, which are by law required to be performed in caſes, where the duties of exciſe are to be repaid by virtue of the before mentioned act, [intituled, *An act for the ſettling of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*;] that then the ſaid additional duties ſhall without any delay or reward be repaid or allowed unto ſuch merchant or merchants, ſo exporting the ſame, within one month after demand thereof, or the ſecurity for the ſaid additional duties by this act charged ſhall be vacated or diſcharged, as to ſo much as ſhall be ſo exported; any thing in this act contained to the contrary notwithſtanding.

Clauſe relating to brewers and diſtillers.

IV. And be it further enacted by the authority aforeſaid, That for the better levying and collecting the ſeveral rates and duties hereby granted, and alſo for a further ſupply to his Majeſty, all and every the rules, directions, powers, and authorities, clauſe or clauſes, relating to brewers mixing their beer and ale, and diſtillers diſtilling of ſtrong-waters, and for preventing the mixing of ſmall worts with ſtrong ale or beer after the gauger hath taken the gauge thereof, and for empowering gaugers to take an account of all waſh and low wines in diſtillers hands; the better to aſcertain the quantity of *aqua vitæ*, ſtrong-waters, and ſpirits by them diſtilled, and all penalties and forfeitures ariſing thereby and therefrom, given, granted, or enacted, in and by an act paſſed in the fourth year of the reign of his late Majeſty King George the firſt of glorious memory [intituled, *An act for continuing to his Majeſty an additional duty on all wines and ſtrong-waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine; and alſo a tax on all ſalaries, profits of employments, fees, and penſions therein mentioned; and for granting a further additional duty on ale, beer, and ſtrong-waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine, and for ſecuring the repayment of fifty thouſand pounds* ſterling, *formerly advanced to his Majeſty for the uſe of the publick, together with the intereſt thereof*, which were to continue from the twenty firſt day of November one thouſand ſeven hundred and ſeventeen until the twenty firſt day of November one thouſand ſeven hundred and nineteen incluſive, and which were further granted and continued from time to time by divers acts made in this kingdom until the twenty fifth day of March, which will be in the year of our Lord one thouſand ſeven hundred and twenty eight, ſhall be and continue in full force to all intents and purpoſes from the ſaid twenty fifth day of March one thouſand ſeven hundred and twenty eight until the twenty fifth day of December, which will be in the year of our Lord one thouſand ſeven hundred and twenty nine incluſive. 4 G. 1. 2.

On molaſſes and treacle.

V. And be it further enacted by the authority aforeſaid, That for a further ſupply to his Majeſty, the further additional duty of twenty ſhillings *ſterling* on every hundred weight of molaſſes, and the further additional duty of twenty ſhillings *ſterling*, on every hundred weight of treacle, which ſhall be imported into this kingdom from and after the ſaid twenty fifth day of March, which will be in the year of our Lord one thouſand ſeven hundred and twenty eight until the twenty fifth day of December one thouſand ſeven hundred and twenty nine incluſive, ſhall be granted, levyed, and paid to his Majeſty, his heirs and ſucceſſors in manner aforeſaid.

On coffee, &c.

To truſtees of hemp manufacture.

VI. And be it further enacted by the authority aforeſaid, That the ſaid additional rates and duties on coffee, tea, chocolate, and cocoa-nuts, and all money ariſing thereby, ſhall be paid to the truſtees appointed for the management of the hempen and flaxen manufactures of this kingdom, to be by them applied to encourage and ſupport the ſaid manufactures, and the trade thereof in this kingdom.

VII. And

VII. And be it further enacted by the authority aforesaid, That all and every the several and respective additional duties hereby granted or continued, shall be raised, answered, collected, and paid unto his Majesty, his heirs and successors, during the term aforesaid, at the same time, in like manner, and by such ways, means, and methods, and by such rules and directions, and under such penalties and forfeitures, and with such powers, as are appointed, directed, and expressed, in and by the said act made in this kingdom in the fourteenth year of the reign of King Charles the second, Intituled, *An act for the settling of the excise of new imposts upon his Majesty, his heirs and successors, according to the book of rates now in force*, or by any other law now in force relating to the revenue, or excise in this kingdom, as fully and effectually to all intents and purposes, as if the same were particularly mentioned, expressed, and enacted again in the body of this present act; with like remedy of appeal to and for the party grieved as in and by the said act of excise is provided.

14 & 15 C. 2. 8.

VIII. And be it further enacted by the authority aforesaid, That all and every person and persons, who had upon the twenty fifth day of December one thousand seven hundred and twenty seven, or who shall have at any time between the said twenty fifth day of December one thousand seven hundred and twenty seven and the twenty fifth day of December one thousand seven hundred and twenty nine inclusive, any offices, salaries, profits of employments, fees, or pensions, upon the civil or military establishments in this kingdom, shall pay unto his Majesty, his heirs and successors, the full sum of four shillings *sterling* out of every twenty shillings a year, which he, she, or they, do or shall receive, or be intitled unto, by reason of such offices, salaries, profits of employments, fees, or pensions, unless such person or persons do and shall live and actually reside within this kingdom for and during the space of six calendar months at least in each of the said years; which said tax or duty of four shillings *sterling* out of every twenty shillings a year as aforesaid shall be stopped and deducted yearly, during the time and term aforesaid, by the vice-treasurer, pay-master, and receiver-general of his Majesty's revenue, and to be accounted for to his Majesty, his heirs and successors.

4 s. in the pound on absentees.

IX. Provided always, and be it enacted and declared by the authority aforesaid, That this act shall not extend to charge the said tax or duty of four shillings *sterling* a year on every twenty shillings as aforesaid upon the salary, pension, fee, or profits of employments, payable to the lord lieutenant, or other chief governor or governors of this kingdom for the time being; or the salaries, fees, pensions, pay, or profits of employments, payable to any person or persons, who shall by his or their offices and employments be obliged to an immediate attendance upon the persons of his sacred Majesty, or his royal consort Queen Caroline, or their royal issue, during their continuance in such their respective offices and employments; or to the pay of the officers of the army, or half-pay officers, upon the establishment of this kingdom.

Lord lieutenant, &c. excepted.

X. And be it further enacted by the authority aforesaid, That the six pence *per* pound, and all other fees, which shall or may be payable to the vice-treasurer, receiver, or pay-master-general of this kingdom, for, or on account of, or out of the aids granted hereby unto his Majesty, shall be received by the said vice-treasurer, receiver, or pay-master-general for the use of his Majesty, his heirs and successors, and shall be duly accounted for by him or them to his Majesty, his heirs and successors, as a further an additional aid hereby given and granted.

The 6 d. *per* pound and other fees accounted for to the King as additional aid.

XI. And whereas the commons in Parliament assembled, in the first session of the last Parliament, the better to enable his said late Majesty to provide for the defence and safety of this kingdom, did resolve, That whatever sums of money should be advanced and paid into his said late Majesty's treasury by any person or persons at the instance of their excellencies the then lords justices, or other chief governor or governors of this kingdom for the time being, for the defence thereof, should be made good with legal interest for the same out of such aids, as should be granted to his said late Majesty the then next session of Parliament: and whereas

for

for the better ſecuring of their ſaid or ſome as ſhould be ſo advanced, it is provided by an act paſſed in the laſt ſeſſion of the preſent Parliament, inſtituled, *An act for raiſing* [illegible] *ther goods and merchandizes*, that ſuch ſum or ſums of money, as ſhould be ſo advanced and paid into his late Majeſty's treaſury, ſhould be repaid unto ſuch perſon or perſons as ſhould lend or advance the ſame, him, her, or their executors, adminiſtrators, or aſſigns, with legal intereſt, out of the firſt aids to be granted by Parliament, without any deduction: and whereas the ſum of fifty thouſand pounds hath been advanced and paid into his ſaid late Majeſty's treaſury in purſuance of the ſaid reſolution and act of Parliament, which debt ſtill remains due and unſatisfied: be it further enacted by the authority aforeſaid, That ſuch perſon or perſons, who have advanced or paid into his late Majeſty's treaſury any ſum or ſums of money, being part of the ſaid principal ſum of fifty thouſand pounds, their executors, adminiſtrators, or aſſigns, ſhall continue to have and receive, and be well and truly paid at the receipt of his Majeſty's Exchequer, by the hands of the vice-treaſurer, or pay-maſter-general, his or their deputy or deputies every ſix months the intereſt of the reſpective ſum or ſums of money, ſo by them advanced, at the rate of ſeven pounds *per cent. per annum*, without fee or charge, during the time the ſaid principal ſum of fifty thouſand pounds, or any part thereof, ſhall continue unpaid, and free from all manner of deductions, defalcations, and abatements whatſoever, out of ſuch his Majeſty's treaſure or revenue as ſhall come to his or their hands, until they are reſpectively paid and ſatisfied the reſpective principal ſums, ſo by them paid and advanced as aforeſaid; and if any part of the ſaid principal ſum of fifty thouſand pounds ſhall be due and unpaid on the twenty fifth day of December, which will be in the year of our Lord one thouſand ſeven hundred and twenty nine, the ſame ſhall be well and truly ſatisfied and paid unto the ſeveral and reſpective perſons, their executors, adminiſtrators, or aſſigns reſpectively, to whom the ſame ſhall be then due, together with ſuch legal intereſt for the ſame, at the rate of ſeven pounds *per cent. per annum* as aforeſaid, as ſhall be then in arrear, without any deduction, defalcation, or abatement, for or on account of pells, poundage, or other fees, charges, or deductions whatſoever.

Loan of 600000 l. purſuant to act of 2 G. i. 7.

At 7 *per cent.*

XII. And be it further enacted by the authority aforeſaid, That the ſeveral ſums hereafter mentioned and appointed be paid out of the additional duties and aids, granted to his Majeſty by this preſent act, to the perſons hereafter mentioned: (that is to ſay) the ſum of three hundred pounds to Matthew Pennefather eſquire, accomptant-general, as a reward for his expence and trouble in preparing and ſtating the publick accounts of the nation laid before the houſe of commons this ſeſſion of Parliament; and alſo a ſum of three hundred pounds *ſterling* to Bruen Worthington, and two hundred pounds *ſterling* to Iſaac Ambroſe, clerks of the houſe of commons, as rewards for their reſpective attendance and ſervices this ſeſſion of Parliament; and the further ſum of three hundred pounds *ſterling* to the ſaid Bruen Worthington and Iſaac Ambroſe, as a recompence for their extraordinary expence in preparing copies of the publick accounts for the members of the houſe of commons this ſeſſion of Parliament; and alſo a further ſum of one hundred pounds to the ſaid Bruen Worthington and Iſaac Ambroſe, as a further recompence for their extraordinary trouble and expence in preparing copies of the publick accounts for the members of the houſe of commons the laſt ſeſſion of Parliament; the ſum of two hundred pounds *ſterling* to John Kerr, clerk aſſiſtant, for his attendance and ſervice this ſeſſion of Parliament; three hundred pounds *ſterl.* to Richard Povey, ſerjeant at arms, for his attendance on the houſe of commons; two hundred and fifty pounds *ſterling* to William Bayley, and Henry Buckley, the clerks attending the committee of accounts and other committees, to be equally divided between them; and alſo an additional ſum of one hundred pounds to the ſaid Henry Buckley, as a further recompence for his extraordinary attendance upon the committee appointed to inſpect the publick accounts of the nation the laſt ſeſſion

Several ſums paid out of additional duties hereby granted.

A. D. 1727.

Sums towards building the Parliament-house.

of Parliament; eighty pounds thereof to John Fieldhouse and Richard Malone, door-keepers of the house of commons, to be equally divided between them; and also the sum of six thousand pounds unto such person or persons, and in such manner, as the lord lieutenant or other chief governor or governors of this kingdom for the time being shall appoint, towards providing materials and building the new Parliament-house; and also the sum of two thousand pounds per annum, during the space of two years, to the trustees of the linnen manufacture, to encourage the raising sufficient quantities of hemp and flax in this kingdom; all which said several sums are to be paid by the vice-treasurer or receiver-general of this kingdom without any further or other warrant to be sued for, had, or obtained in that behalf.

CHAP. V.

An act for accepting the solemn affirmation or declaration of the people called Quakers, instead of an oath in the usual form.

Recital of 10 *G.* 1. 8. 6 *G.* 1. 6. 10 *G.* 1. 8. 9 *G.* 2. 16. 19 *G.* 2. 18. 7 & 8 *Wil.* 3. 34. *Eng.* 1 *G.* 1. 6. *Eng.* 8 *G.* 1. 6. *Eng.*

WHEREAS by an act passed in the tenth year of the reign of his late Majesty King George the first of blessed memory, intituled, *An act for accepting the solemn affirmation or declaration of the people called quakers in certain cases, instead of an oath in the usual form*, it was enacted, "That every quaker within "this kingdom, who should be required upon any lawful occasion to take an oath, "where by law an oath was required in certain cases in the said act mentioned, "should in such cases, instead of an oath in the usual form, be permitted to make "his or her solemn declaration or affirmation, in these words following:" *(viz.)*

I. A. B. do solemnly, sincerely, and truly declare and affirm.

Which said act, being only temporary, will expire at the end of this present session of Parliament: and whereas the inconveniencies to the said people called quakers, and their families, and to others requiring their testimony, in many cases were not sufficiently avoided by the said act: and whereas it is evident, that the said people called quakers have not abused the liberty and indulgence allowed them by law, and they have given testimony of their fidelity and good affection to his Majesty, and the settlement of the crown in the protestant line; and it is reasonable to give them further ease and relief: be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That from and after the twenty fifth day of March in the year of our Lord one thousand seven hundred and twenty eight every quaker within this kingdom, who shall be required upon any lawful occasion to take an oath, in any case where by law an oath is required, shall instead of an oath in the usual form be permitted to make his or her solemn declaration or affirmation in these words following: *(viz.)*

Quakers not abusing indulgence given, necessary to give them further ease.

I. A. B. do solemnly, sincerely, and truly, declare, and affirm.

Instead of an oath may make a solemn affirmation.

Which said solemn declaration or affirmation shall be adjudged and taken, and be it enacted and declared to be adjudged and taken, to be of the same force and effect to all intents and purposes in all courts of justice, and other places, where by law an oath is required, or shall hereafter be required within this kingdom, as if such quaker had taken an oath in the usual form.

II. And

A. D. 1727.

II. And be it further enacted by the authority aforesaid, That every quaker, or person pretending to be a quaker, who shall have made such solemn declaration or affirmation as aforesaid, and shall be lawfully convicted, wilfully, falsely, and corruptly, to have declared or affirmed any matter or thing, which, if the same had been sworn in the usual form, would have amounted to wilful and corrupt perjury, shall incur the same penalties and forfeitures, as by the laws and statutes of this realm are enacted against persons convicted of wilful and corrupt perjury.

Liable to penalties for perjury.

III. Provided always, and be it enacted by the authority aforesaid, That no quaker or reputed quaker shall by virtue of this act be qualified or permitted to give evidence in any criminal causes; or serve on any juries, or bear any place of profit, or office under the government; any thing in this act contained to the contrary thereof in any wise notwithstanding.

Quakers not permitted to give evidence in criminal causes, or serve on juries, or bear place of profit, or office.

IV. Provided always, That no person or persons shall be deemed a quaker or quakers within the intention of this act, unless, he, she, or they, shall produce a certificate or certificates under the hands of six credible persons of their own congregation, of his, her, or their having been of that profession at least five years then last past, if thereunto required.

Quakers, if required, must produce certificate of six of the congregation of being so five years.

V. Provided, That this act shall continue in force for the space of seven years, and from thence to the end of the then next session of Parliament, and no longer.

Continuance seven years, &c. 19 G. 2. 18.

CHAP. VI.

An Act for the more effectual preventing several frauds and abuses committed in his Majesty's customs and excise, and for settling the rates of certain goods and merchandizes not particularly valued in the book of rates.

WHEREAS many fraudulent practices and deceits are daily used by evil designing persons to elude the several laws formerly made for the encouragement of the fair trader, and to prevent the running and undue landing of goods imported into this kingdom: and whereas the prosecutions before the commissioners of appeals, though carried on in a summary way, pursuant to the laws in force in this kingdom for that purpose, have been artfully delayed by persons prosecuting the said appeals upon account of some informality or defect of form in the proceedings, to the great discouragement of the prosecutors or informers: for remedy whereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That no judgment or sentence shall be reversed for any informality, imperfection, or defect in form, either in the information, proceedings, or judgment, brought before or given by the said commissioners or sub-commissioners respectively.

Prosecutions before commissioners of appeals artfully delayed.

no judgment by said commissioners, &c. reversed for want of form.

II. And whereas, where two or more persons are concerned as informers or discoverers, several disputes have arisen between the parties pretending to be the real informer and discoverer, to the great detriment of his Majesty's revenue, and discouragement of such informers: and whereas a just distribution of the rewards given to such informers will be a great encouragement to the trade of this kingdom, and a means to prevent several frauds, that are now committed in his Majesty's revenue; be it enacted by the authority aforesaid, That from and after the first day of June, which will be in the year of our Lord one thousand seven hundred and twenty eight, in every case where two or more persons shall claim any right to any reward for or on account of any seizure, penalty, or forfeiture, that they may be intitled to by virtue of this or any former act now in force, relating to his Majesty's revenue or excise in this kingdom; that in such case the commissioners of excise for the

Claims by informers shall be determined and rewards distributed by the commissioners of excise, &c. which shall be final.

A. D. 1727. Chap. 6.

the time being, or any three or more of them, or the collector, or any of the commissioners of excise in such several districts, upon such seizures, shall and may impound and secure such goods, as long as the claims and demands of such persons, who may claim the same, shall be heard, or upon account of any information or discovery, and give [illegible] in such manner or proportions as they shall order and direct; which [illegible] shall be final and conclusive to the said parties; any law, [illegible] notwithstanding.

Revenue-officers may qualify before persons now authorised, or before any justice, or collector of the district.

III. And whereas it may be inconvenient to require the attendance of the several and respective officers of his Majesty's revenue in the city of [illegible] to enable them to qualify themselves for their several employments: be it enacted by the authority aforesaid, That at all times hereafter every person or persons, appointed and appointed to any office or employment in his Majesty's revenue, shall and may be sworn, and take the oath of office or other oaths, which he or they are [illegible] directed or required by the laws of this kingdom to take before their entering on their respective offices, either before such person or persons now authorised to administer the same, or before any of his Majesty's justices of the peace, or before the collector of the district, where such officer shall be appointed to reside, or and in the several and respective counties, counties of towns and counties of cities in this kingdom, where such officer or officers shall be appointed to reside; and such collector, or justice or justices of the peace, are hereby impowered and required to administer the said oath or oaths; and that such person or persons, who shall be so sworn before such collector, or any of his Majesty's justices of the peace in the several counties, counties of towns, or counties of cities within this realm, shall and may take upon him or them the execution of his or their office or offices.

The penalty of 50 l. on refusing entrance to officers to search not adequate.

IV. And whereas several evil-minded persons, having great and valuable quantities of exciseable goods or merchandizes concealed in their houses and other places, and being liable only to a small forfeiture of fifty pounds for denying entrance to his Majesty's officers, which is not adequate to the value of the goods, which are frequently concealed, have refused to admit the officers of his Majesty's revenue into their respective houses to search for such exciseable goods; or, if permitted, have prevented their searching, seizing, or carrying away such goods and merchandizes, to the great diminution of his Majesty's revenue, as well as to the prejudice of the fair trader: be it therefore enacted by the authority aforesaid, That in case any person or persons whatsoever from and after the first day of June, which will be in the year of our Lord one thousand seven hundred and twenty eight, shall refuse to permit or shall not suffer any surveyor or searcher, waiter, or officer of his Majesty's revenue, who shall from time to time be duly and legally deputed and appointed thereunto, to enter or come into or remain in his, her, or their house, cellar, vault, shop, ware-house, store-house, or store-cellar, or other place or places, to search for such exciseable goods and merchandizes, as he may reasonably suspect to be concealed in such place; that in every such case it shall and may be lawful to and for such officer or officers, after such refusal, to break open and enter in the day-time in the presence of a constable into any house, cellar, vault, shop, ware-house, store-cellar, or other place or places belonging to any such person as aforesaid, and to search for any goods or commodities, for which the duties payable thereupon to his Majesty have not been paid; and, in case any such goods shall be so found, to seize, attach, carry away, and put the same into safe custody.

33 G. 2. 10.

on refusal of entrance to search for exciseable goods on reasonable suspicion, officers may in day time and presence of a constable break open, enter and search, and seise such goods.

Brewing vessels, stills, &c. in whosoever hands, liable for arrears of duties.

V. And be it enacted by the authority aforesaid, That all and every the brewing-vessels and utensils for brewing, and all and every the stills, worms, still-heads, and all other vessels and utensils for distilling, used in any brew-house or distilling-house respectively, into whose hands soever the same shall come, and by what conveyance or title soever the same shall be claimed, shall be liable and subject unto, and are hereby charged with, all and singular the debts and duties of excise, which shall be in arrear and owing by any person or persons, for any beer, ale, *aqua vitæ*, spirits, and strong waters of any kind, made within the said brew-house or distilling-house,

15 C. 2. 11. Sect. 13. Eng.

houſe, and ſhall alſo be ſubject to all penalties and forfeitures incurred by ſuch perſon or perſons, ſo uſing the ſaid brew-houſe or diſtilling-houſe, for any offence againſt the laws and ſtatutes of exciſe; and that it ſhall and may be lawful in all caſes to levy ſuch debts, duties, penalties, and forfeitures, upon ſuch utenſils, as it would be lawful to do, in caſe ſuch perſon or perſons were the real proprietor or proprietors of ſuch utenſils at the time of levying the ſame.

Commiſſioners of exciſe, &c. may determine in ſummary way, as by 14 C. 2. 8. with like remedy of appeal, except from determination of forfeitures and rewards to which ſeveral claimants.

VI. And be it enacted by the authority aforeſaid, That the commiſſioners of exciſe, or any three or more of them, or the ſub-commiſſioners of exciſe in their reſpective diſtricts, ſhall be authorized, and are hereby required, to hear and determine any cauſe, matter, or queſtion, ariſing upon any clauſe or article therein before mentioned in a ſummary way, and to give judgment and ſentence, and levy the fines, penalties, and forfeitures thereupon, in ſuch manner and form as are preſcribed in an act made in the fourteenth year of the reign of King Charles the ſecond, intituled, *An act for the ſettling of the exciſe of new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*: with like remedy of appeal to and for the party grieved, as by the ſaid act is provided, other than from any ſentence or determination touching the diſtribution of ſeizures, forfeitures, or rewards, where two perſons or more ſhall lay claim thereto, and which are herein before appointed to be finally determined and ſettled by the commiſſioners of exciſe, or any three or more of them, or the collector or collectors, or ſub-commiſſioners in their ſeveral diſtricts.

Several goods not valued in book of rates, but uſually valued by importer and exciſe officer agreeable to the prices they bear, which is inconvenient and prejudicial: 11 G. 1. 7. *Eng.*

VII. And whereas there are ſeveral goods and merchandizes imported into and exported out of this kingdom, which are not particularly valued in the book of rates, and values of goods imported and exported, but the ſame are uſually valued by the importer and officer of exciſe, agreeably to the ſeveral prices they bear at the time of importation; which method is found by experience to be very inconvenient to the fair trader, and a prejudice to his Majeſty's revenue: for remedy whereof, be it enacted by the authority aforeſaid, That from and after the firſt day of June, which will be in the year of our Lord one thouſand ſeven hundred and twenty eight, the ſeveral rates and values, herein after ſpecified and ſet againſt the ſeveral goods and merchandizes herein after mentioned, ſhall be the rates and values of ſuch goods and merchandizes reſpectively, according to which his Majeſty's duties of cuſtoms and exciſe ſhall be paid, computing the duties of cuſtoms after the rate of twelve pence for every twenty ſhillings value of ſuch goods and merchandizes, and computing the duties of exciſe after the like rate of twelve pence for every twenty ſhillings value of ſuch goods and merchandizes; and the goods and merchandizes herein after mentioned, with their ſaid ſeveral and reſpective rates, ſhall be annexed and added to the book of rates of goods and merchandizes imported and exported already eſtabliſhed, and ſhall be ſubject to and be governed and directed by every clauſe, rule, and order laid down and ſpecified in and by the act of poundage and tunnage, and the act of exciſe, made in the fourteenth year of the reign of King Charles the ſecond, the firſt intituled, *An act for ſettling the ſubſidy of poundage, and granting a ſubſidy of tunnage, and other ſums of money unto his royal Majeſty, his heirs and ſucceſſors, the ſame to be paid upon merchandizes imported and exported into or out of the kingdom of Ireland, according to a book of rates hereunto annexed*; and the latter intituled, *An act for the ſettling of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*, viz.

The ſeveral rates and values of goods herein ſpecified ſhall be paid, computing the cuſtoms and exciſe at 12 d. *per* l. and annexed to the book of rates, and ſubject to the rules in 14 & 15 C. 2. 9. and 14 & 15 C. 2. 8.

The rates of goods and merchandizes imported and exported.

IMPORT.	Rates. Custom.			Excise.		
	l.	*s.*	*d.*	*l.*	*s.*	*d.*
A.						
Almonds in the ſhell, the thouſand — — —	0	1	6	0	1	6
Aule hafts, the groce — — —	0	6	0	0	6	0
B.						
Beer, *vocat.* ſpruce beer, the gallon — —	0	2	0	0	2	0
Bellows pipes, the groce — — —	1	0	0	1	0	0
Bill-hooks, the dozen — — —	0	12	0	0	12	0
Blades for foyles, the dozen — — —	0	8	0	0	8	0
——— knives and forks, the groce — —	0	13	4	0	13	4
——— razors, the dozen — — —	0	6	0	0	6	0
——— ſwords, Britiſh coarſe, the dozen —	0	12	0	0	12	0
Bottles of ſtone, the dozen — — —	0	6	8	0	6	8
Buckles, *vocat.* ſhoe-buckles, the groce, containing twelve dozen pair — — — —	0	12	0	0	12	0
C.						
Calicoes, painted or ſtained, *per* yard — —	0	5	0	0	5	0
Caffoy, *per* yard — — — —	0	12	0	0	12	0
Cauldrons or pans, iron, the hundred weight —	1	0	0	1	0	0
Candleſticks, iron, the dozen — — —	0	5	0	0	5	0
Chocolate, the pound — — — —	0	2	6	0	2	6
Coaches or berlins, with or without the appurtenances, each — — — —	60	0	0	60	0	0
Chariots, with or without the appurtenances, each	40	0	0	40	0	0
Cocoa-nuts, the pound, for Cuſtom only — —	0	0	10	0	0	0
Coffin figures and letters, the groce — —	0	6	0	0	6	0
—— handles, plates, ſquares, the groce —	0	5	0	0	5	0
Cork, ready made, the groce — — —	0	2	6	0	2	6
Curry-combs, the dozen — — —	0	9	0	0	9	0
D.						
Dog-couples, the dozen — — —	0	2	6	0	2	6

Earth

IMPORT.	Rates. Custom.			Excise.		
	l.	*s.*	*d.*	*l.*	*s.*	*d.*
E.						
Earth red, the barrel	0	10	0	0	10	0
Emery ground, the pound	0	0	4	0	0	4
F.						
Ferret ribbon, the groce	0	16	0	0	16	0
Flints for fire arms, the thousand	0	3	0	0	3	0
Flower of meal, of wheat, the hundred weight	0	10	0	0	10	0
Flower roots, the hundred, at five score; for Custom only	1	0	0	0	0	0
G.						
Girth-web, the groce	1	10	0	1	10	0
Glasses for watches, the dozen	0	6	0	0	6	0
Glass, British, the whole case, containing twenty four leaves	1	16	0	1	16	0
——— the half case, containing twelve leaves	0	18	0	0	18	0
Gimblets for carpenters, the groce	0	6	8	0	6	8
H.						
Hops, British, the hundred weight	4	0	0	4	0	0
Horns for lanthorns, the thousand	1	0	0	1	0	0
Horn-books; plain, the groce	0	8	0	0	8	0
——— gilt, the groce	0	16	0	0	16	0
Hour-glasses, British, the groce	2	0	0	2	0	0
Hunting-horns, the dozen	1	0	0	1	0	0
I.						
Irons, box-irons, the dozen	1	4	0	1	4	0
—— smoothing-irons, not box, the dozen	0	18	0	0	18	0
—— stirrup-irons, the dozen pair	0	6	0	0	6	0
Junck, called old junck, the tun	5	0	0	5	0	0
K.						
Kelp, the tun	1	10	0	1	10	0
Keys for watches, the groce	1	4	0	1	4	0

Knives,

IMPORT.	Rates. Custom. l.	s.	d.	Excise. l.	s.	d.
Knives, coopers knives, the dozen	0	10	0	0	10	0
—— curriers knives, the dozen	1	4	0	1	4	0
—— drawing knives, the dozen	0	8	0	0	8	0
L.						
Laſt blocks, the dozen	0	2	0	0	2	0
Latches and catches, iron, the dozen	0	5	0	0	5	0
Lead milled, or the ſheets, the hundred weight	0	10	0	0	10	0
Leaves of ſilver, the thouſand leaves	1	0	0	1	0	0
Lime juice, the gallon	0	2	0	0	2	0
Locks, iron, *vocat.* box, cheſt, and cupboards locks, the groce	1	4	0	1	4	0
—— horſe-locks, the dozen	0	8	0	0	8	0
—— ſpring-locks, double, the dozen	0	16	0	0	16	0
—— ſpring-locks, ſingle, the dozen	0	10	0	0	10	0
—— ſtock-locks, double, the dozen	1	0	0	1	0	0
—— ſtock-locks, ſingle, the dozen	0	12	0	0	12	0
M.						
Marbles for children, the thouſand	0	3	0	0	3	0
Metal, leaf, except ſilver or gold, the pocket, containing two hundred and fifty leaves	0	10	0	0	10	0
Mum, the barrel	3	0	0	3	0	0
Muſlins, the yard	0	3	4	0	3	4
N.						
Nuts, called cheſnuts, the barrel	0	15	0	0	15	0
O.						
Oars, the hundred, containing ſix ſcore, for Cuſtom only	7	10	0	0	0	0
Oyl cloath, the yard	0	2	0	0	2	0
Oyl of Jeſſamin, the pound	0	2	6	0	2	6
Oyſter, pickled, the gallon	0	2	6	0	2	6

Paper,

IMPORT.	Rates. Custom.			Excise.		
P.	*l.*	*s.*	*d.*	*l.*	*s.*	*d.*
Paper, called card-paper, the ream	0	6	0	0	6	0
Peas, called garden peas, the bushel	0	10	0	0	10	0
Piamente, the pound,	0	1	0	0	1	0
Pots, iron, not exceeding four gallons each, the dozen,	1	10	0	1	10	0
Printing letters or types, the hundred weight,	5	0	0	5	0	0
R.						
Raddle, the barrel	0	10	0	0	10	0
Reaping hooks or sickles, the dozen	0	3	0	0	3	0
Regulus, the hundred weight	2	0	0	2	0	0
S.						
Saws, called frame saws, each	0	6	0	0	6	0
Scales for razors, the dozen	0	1	0	0	1	0
—— for scabbards, the bundle, containing one hundred, for custom only	2	0	0	0	0	0
Scythes, the dozen	1	0	0	1	0	0
Scythe-stones, the dozen	0	1	0	0	1	0
Seed, cinque-foil clover, the pound	0	0	2	0	0	2
—— millet, the hundred weight	0	16	8	0	16	8
Shag, stuff or hair, the yard	0	5	0		5	0
Shears, *vocat.* garden shears, the dozen	1	5	0	1	5	0
—— sheep sheers, the dozen	0	6	8	0	6	8
Shot, the hundred weight	0	15	0	0	15	0
Sheaths for knives and forks, the groce	0	5	0	0	5	0
Silk manufacture (not otherwise rated) mixt with gold, silver, or both, the pound	12	0	0	12	0	0
Seives of hair, the dozen	0	10	0	0	10	0
Slates, the thousand	0	10	0	0	10	0
Snuff, the pound	0	3	4	0	3	4
Spades for gardeners, the dozen	1	0	0	1	0	0
Stones called flag-stones, the hundred foot	0	16	8	0	16	8
Sugar moulds or pots, the hundred, at five score	1	10	0	1	10	0
Skellets of France, the dozen	0	12	0	0	12	0

IMPORT. Rates.

T.	Custom. l.	s.	d.	Excise. l.	s.	d.
Tea of all ſorts, the pound	0	8	4	0	8	4
Tobacco-pipes, the groce	0	2	6	0	2	6
Tortoiſe ſhell, the pound	0	5	0	0	5	0
Trowels, the dozen	0	8	0	0	8	0
Twiſt of gold or ſilver, the ounce	0	6	8	0	6	8
Tiles, called pan-tiles, the thouſand, for cuſtom only	2	10	0	0	0	0
V.						
Velvet, the pound	10	6	8	10	0	6
Vices for ſmiths, the vice	0	6	8	0	6	8
W.						
Weld or woold ſtraw, the hundred weight	0	7	0	0	7	0
Whiting, the hundred weight	0	2	6	0	2	6
Wood, called fir-wood, the fathom	0	10	0	0	10	0

EXPORT. Rates.

B.	Cuſtoms. l.	s.	d.
BEEF, the carcaſs, expotted	1	0	0
Bread, the hundred weight	0	10	0
F.			
Feathers, the hundred weight	2	0	0
Furr, called rabbits furr, grey, *per* pound	0	4	0
G.			
Graves, the hundred weight	0	2	6

EXPORT. Rates.

		Cuſtoms		
		l.	*s.*	*d.*
H.				
Hair kids,	the hundred weight	0	12	0
Hogs-lard,	the hundred weight	0	18	0
K.				
Kelp,	the tun	1	10	0
O.				
Ore, called copper ore,	the tun	3	0	0
T.				
Tongues, called neats tongues,	the dozen	0	6	8
Y.				
Yarn bay,	the great ſtone	00	15	00
—— Woollen,	the great ſtone	00	08	00

Repealed as to wool, bay, and woollen yarn, 3 G. 2. 3. 33 G. 2. 10.

VIII. And whereas certain allowances and drawbacks are given and granted upon the exportation of wines imported into this kingdom, by the ſubjects of this realm or any other his Majeſty's dominions, or merchants ſtrangers, provided the ſame be reſhipped and exported by ſuch natural-born ſubjects within the ſpace of twelve months, or by ſuch merchants ſtrangers within the ſpace of nine months: and whereas the ſaid terms of twelve months and nine months reſpectively have by many inſtances been found not to be a ſufficient time for the fair and honeſt trader: be it therefore enacted by the authority aforeſaid, That from and after the firſt day of June, which will be in the year of our Lord one thouſand ſeven hundred and twenty eight, every merchant being a ſubject of this realm, or any other his Majeſty's dominions, who ſhall export any wines, for which allowances or drawbacks ought by law to be given, within the ſpace of eighteen months, or any ſtranger within the ſpace of fifteen months, after the importation thereof, ſhall be intitled to receive and have ſuch allowances and drawbacks as fully and effectually to all intents and purpoſes, as if the ſaid wines had been exported within the ſpace of twelve months, and nine months after the importation thereof reſpectively, as in and by the laws; any law or ſtatute to the contrary notwithſtanding.

Allowances and drawbacks to merchants ſubjects for wine exported in 18 months, to ſtrangers in 15 months, after importation, as if exported in 12 and 9 months, as formerly.

altered as to ſtrangers to 12 months 9 G. 2. 1. and ever ſince continued. and altered to 24 months as to merchant ſubjects by 1 G. 3. 1.

IX. Provided always, That this act ſhall continue and be in force until the twenty fifth day of March which will be in the year of our Lord one thouſand ſeven hundred and thirty three, and from thence to the end of the next ſeſſion of Parliament and no longer.

Continued till 25 March 1733, &c. *and ſo far as not altered by 3 G. 2. 3. continued by ſeveral ſtatutes, and two years, &c. by 31 G. 2. 6. which is repealed 33 G. 2. 10. except as therein mentioned.*

X. Provided

The ſeveral goods herein valued ſhall after this act expires pay duties as they ought by law to have been rated before.

X. Provided alſo, That when this preſent act ſhall expire, the ſeveral goods and merchandizes not particularly valued in the book of rates, and which are in and by this act rated and valued as aforeſaid, ſhall from and after the determination of this act be valued and rated, and pay the duties of cuſtoms and exciſe thereupon due to his Majeſty, his heirs and ſucceſſors, in ſuch manner as ſuch commodities ought to have been by law rated and valued before the making of this act; any thing herein contained to the contrary notwithſtanding.

Hours of attendance inconvenient in winter,

officers of cuſtom-houſe quays and ſtores ſhall from 1ſt October to 1ſt March attend from 10 to 3.

and ſo from 1ſt March to 1ſt October 11 G 2. 3.

XI. And whereas the hours, in which the officers of the cuſtom-houſe quays and ſtores in the ſeveral ports in this kingdom, do at preſent give their attendance, are for the winter ſeaſon of the year not only inconvenient to themſelves and the merchants and traders of this kingdom, but alſo a great delay and detriment to the diſpatch of trade and buſineſs: for the preventing whereof, be it enacted by the authority aforeſaid, That the ſeveral officers of the cuſtom-houſe quays and ſtores in the ſeveral ports of this kingdom ſhall from the firſt day of October to the firſt day of March in each and every year give conſtant and due attendance in their reſpective ſtations and buſineſs from the hour of ten a clock in the forenoon to the hour of three a clock in the afternoon of each and every day (Sundays and holidays excepted) for the diſpatch of buſineſs of all merchants and dealers, having reſort to them, inſtead of attending from nine a clock to twelve in the forenoon, and from two a clock till four in the afternoon, as at preſent they are obliged to do; any law or cuſtom to the contrary notwithſtanding.

CHAP. VII.

An act to continue the Parliament for the time being on the demiſe of his preſent moſt gracious Majeſty, or any of his heirs or ſucceſſors, for the term of ſix months from the day of the ſaid demiſe; and likewiſe to prevent the publick funds from expiring during the ſaid term.

6 Anne 7. *ſec.* 4. *Eng.* 25 G. 2. 3. *parliament ſhall convene and continue 3 years, if the crown deſcends to any child of Frederick late Prince of Wales, unleſs, &c.*

FOR the better ſecurity of the proteſtant intereſt in this kingdom of Ireland, and of the ſucceſſion to the crown of Great Britain and Ireland in the proteſtant line, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That this preſent Parliament, or any other Parliament, which ſhall hereafter be ſummoned and called by his preſent Majeſty, his heirs or ſucceſſors, ſhall not be determined or diſſolved by the death or demiſe of his ſaid Majeſty, his heirs or ſucceſſors; but ſuch Parliament ſhall and is hereby enacted to continue, and is hereby impowered and required, if ſitting at the time of ſuch demiſe, immediately to proceed to act, notwithſtanding ſuch death or demiſe, for and during the time of ſix calendar months, and no longer; unleſs the ſame ſhall be ſooner prorogued or diſſolved by ſuch perſon, to whom the crown of Great Britain and Ireland

Parliament not diſſolved by demiſe of the king,

but if then ſitting ſhall proceed to act 6 months, unleſs ſooner prorogued or diſſolved,

Ireland ſhall deſcend, remain, and be, according to the ſeveral acts made in Great Britain for limitting and ſettling the ſucceſſion thereof in the proteſtant line; and if the ſaid Parliament ſhall be ſo prorogued, then it ſhall meet and ſit upon the day, unto which it ſhall be prorogued, and continue for the reſidue of the ſame time of ſix calendar months, unleſs ſooner prorogued or diſſolved as aforeſaid.

and if prorogued ſhall meet on the day.

II. And be it further enacted by the authority aforeſaid, That if there be a Parliament in being at the time of the death of his Majeſty, his heirs or ſucceſſors, but the ſame happens to be ſeparated by adjournment, ſuch Parliament ſhall immediately after ſuch demiſe meet, convene, and ſit, and ſhall act, notwithſtanding ſuch death or demiſe, for and during the time of ſix calendar months, and no longer; unleſs the ſame ſhall be ſooner prorogued or diſſolved as aforeſaid.

If then adjourned, ſhall meet immediately and act 6 months, unleſs, &c.

III. And be it further enacted by the authority aforeſaid, That if there be a Parliament in being at the time of the death of his Majeſty, his heirs or ſucceſſors, but the ſame happens to be ſeparated by prorogation, ſuch Parliament may notwithſtanding ſuch death or demiſe meet and convene at ſuch time within the ſaid ſix calendar months, and at ſuch place, as the perſon to whom the crown of Great Britain and Ireland ſhall deſcend, remain, and be as aforeſaid, ſhall appoint by proclamation, and may act during the reſidue of the ſaid ſix calendar months next after ſuch death or demiſe, and no longer, unleſs the ſame be ſooner prorogued or diſſolved as aforeſaid.

If then prorogued, may meet at ſuch time within the 6 months, and at ſuch place as appointed by proclamation, and act during reſidue of 6 months, unleſs, &c.

IV. And be it further enacted by the authority aforeſaid, That in caſe there is no Parliament in being at the time of ſuch death or demiſe, that has met and ſat, then the laſt preceding Parliament may convene and ſit at ſuch time within ſix calendar months, and at ſuch place, as the perſon to whom the crown of Great Britain and Ireland ſhall deſcend, remain, and be as aforeſaid, ſhall appoint by proclamation, and ſhall be a Parliament to continue as aforeſaid, to all intents and purpoſes, as if the ſame Parliament had never been diſſolved; ſubject nevertheleſs to be prorogued and diſſolved as aforeſaid.

If none then in being, the laſt parliament may convene as aforeſaid.

V. Provided always, and it is hereby declared, That nothing in this act contained ſhall extend, or be conſtrued to extend, to alter or abridge the power of the King, his heirs or ſucceſſors, to prorogue or diſſolve Parliaments.

The King's power to prorogue or diſſolve not altered.

VI. And whereas it may happen that the act or acts for granting an aid or aids to his Majeſty by the ſeveral rates, duties, and impoſitions therein mentioned, or which hereafter ſhall be made for granting an aid or aids to his Majeſty, his heirs or ſucceſſors

If acts granting aid to the King, expire in 6 months after his demiſe, the ſame duties ſhall

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be levied 6 months, unleſs altered by any act in that time:

ſucceſſors, by any rates, duties, or impoſitions whatſoever, may, at the time of the death or demiſe of his Majeſty, or of his heirs or ſucceſſors, be expired, or near expiring, ſo as his Majeſty's loyal ſubjects of this his kingdom of Ireland, in caſe of any exigency, may for want of ſuch funds be diſabled from contributing to the ſupport of the ſucceſſion of the crown of Great Britain and Ireland in the proteſtant line, and the defence of their rights and liberties; be it enacted by the authority aforeſaid, That if any act or acts for granting any aid or aids to his Majeſty, or to any of his heirs or ſucceſſors, or any rates, duties, or impoſitions thereby granted or impoſed, ſhall expire within ſix months after ſuch death or demiſe, that the ſame rates, duties, and impoſitions, as by ſuch act or acts were granted or impoſed, ſhall be and continue, and ſhall be levied, collected, and paid, for the ſpace of ſix calendar months from the time of ſuch death or demiſe in ſuch manner and form, and according to ſuch rules and directions, as are or ſhall be appointed by ſuch act or acts for levying, collecting, and paying the ſame, during the time for which they are and ſhall be ſeverally granted by ſuch act or acts, unleſs the ſame ſhall be altered by any act of Parliament to be made within ſuch time of ſix months as aforeſaid; and if ſuch act or acts for granting any aid or aids to his Majeſty, his heirs or ſucceſſors, or any rates, duties, or impoſitions thereby granted or impoſed, ſhall expire at the time of ſuch death or demiſe of his Majeſty, his heirs or ſucceſſors, or within two calendar months before ſuch death or demiſe, that then and in ſuch caſe the ſame rates, duties, and impoſitions, as by ſuch act or acts were granted or impoſed, ſhall be and continue, and ſhall be levied, collected, and paid as aforeſaid, from the time that the ſame did or would have expired, if this act had not been made, until the end of the ſix calendar months from ſuch death or demiſe, unleſs the ſame ſhall be altered by any act of Parliament to be made within ſuch time of ſix months as aforeſaid.

So, if they expire at time of demiſe, or in 2 months before.

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CHAP. VIII.

An act for preventing inconveniencies that may happen by privilege of Parliament.

FOR the preventing all delays the King or his ſubjects may receive in any of his courts of law or equity, and for their eaſe in their recovery of their rights and titles to any lands, tenements, or hereditaments, and their debts or other dues, for which they have cauſe of ſuit or action, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of May one thouſand ſeven hundred and twenty eight any perſon and perſons ſhall and may commence and proſecute any action or ſuit in any of his Majeſty's courts of record at Dublin, or high court of Chancery, or court of Exchequer, or in the court of Admiralty, and in all cauſes matrimonial and teſtamentary in the court of prerogative, conſiſtorial courts, courts of delegates, and all courts of appeal, againſt any peer of this realm, or lord of Parliament, or againſt any of the knights, citizens, and burgeſſes of the houſe of commons for the time being, or againſt their or any of their menial or other ſervants, or any other perſon intituled to the privilege of Parliament, at any time from and immediately after fourteen days next following the diſſolution or prorogation of any Parliament, until fourteen days immediately before a new Parliament ſhall meet, or the ſame be re-aſſembled; and that the ſaid reſpective courts ſhall and may at any time after fourteen days next following ſuch diſſolution or prorogation as aforeſaid, and until fourteen days immediately before a new Parliament ſhall meet, or the ſame be re-aſſembled, proceed to give judgment, and to make final orders, decrees, and ſentences, and award execution thereupon; any privilege of Parliament to the contrary notwithſtanding.

12 & 13 *Wil.* 3. 3. *Eng.* 11 *G.* 2. 24. *Eng.*

To prevent delays in ſuits,

Perſons intitled to privilege of Parliament may be ſued after 14 days following diſſolution or prorogation till 14 days before the meeting;

3 *E.* 4. 1. 6 *Anne* 8.

and judgment be given and execution;

II. Provided nevertheleſs, That this act ſhall not extend to ſubject the perſon of any of the knights, citizens, or burgeſſes of the houſe of commons, or any other perſon intitled to the privilege of parliament, to be arreſted for the ſpace of forty days before the beginning or meeting of any Parliament, or for the like ſpace of forty days after the prorogation or diſſolution of this preſent,

but the perſon not arreſted for 40 days before meeting, or after prorogation or diſſolution;

or

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or any other Parliament: nevertheleſs if any perſon or perſons ſhall have cauſe of action or complaint againſt any peer of this realm or lord of Parliament, ſuch perſon or perſons at any time after fourteen days next following any diſſolution or prorogation as aforeſaid, until fourteen days immediately before a new Parliament ſhall meet, or the ſame be re-aſſembled, ſhall and may have ſuch proceſs out of his Majeſty's courts of King's bench, Common pleas, and Exchequer, againſt ſuch peer and lord of Parliament, as he or they might have had againſt him out of the time of privilege: and if any perſon or perſons ſhall have cauſe of action againſt any of the ſaid knights, citizens, or burgeſſes, or any other perſon intitled to privilege of Parliament, ſuch perſon or perſons, at any time after fourteen days next following any ſuch diſſolution or prorogation as aforeſaid, until fourteen days immediately before the meeting or re-aſſembling of any Parliament, ſhall and may proſecute ſuch knight, citizen, or burgeſs, or other perſon intitled to the privilege of Parliament, in his Majeſty's courts of King's bench, Common pleas, or Exchequer by ſummons and diſtreſs infinite, or by original bill and ſummons, attachment, and diſtreſs infinite thereupon, to be iſſued out of any the ſaid courts of record, which the ſaid reſpective courts are hereby impowered to iſſue againſt them, or any of them, until he or they ſhall enter a common appearance, or file common bail to the plaintiff's action, according to the courſe of each reſpective court; and any perſon or perſons, having cauſe of ſuit or complaint, may in the times aforeſaid exhibit any bill or complaint againſt any peer of this realm, or lord of Parliament, or againſt any of the ſaid knights, citizens, or burgeſſes, or other perſon intitled to the privilege of Parliament, in the high court of Chancery, or court of Exchequer, and may proceed thereupon by letter or ſubpœna as is uſual, and upon leaving a copy of the bill with the defendant, or at his houſe, or lodging, or laſt place of abode, may proceed thereon; and for want of an appearance or anſwer, or for non-performance of any order or decree, or for breach thereof, may ſequeſter the real and perſonal eſtate of the party, as is uſed and practiſed, where the defendant is a peer of this realm; but ſhall not arreſt or impriſon the body of any of the ſaid knights, citizens, and burgeſſes, or other privileged perſons, during the ſpace of forty days immediately before the beginning or meeting of any Parliament, or during the like ſpace of forty days immediately after the prorogation or diſſolution of this Parliament, or any other Parliament.

proceſs may go out of B. R. C. B. and Exchequer, after 14 days after and till 14 days before;

and ſummons, diſtreſs infinite, &c. ſhall iſſue till common appearance or bail.

Suits in Chancery or Exchequer may be exhibited and proceeded upon as uſual in the times aforeſaid:

but the body ſhall not be arreſted 40 days before or after.

III. And be it enacted by the authority aforeſaid, That where any plaintiff ſhall by reaſon or occaſion of privilege of Parliament

Plaintiff delayed by privilege not barred by limita-

ment

ment be ſtayed or prevented from proſecuting any ſuit by him commenced, ſuch plaintiff ſhall not be barred by any ſtatute of limitation, or nonſuited, diſmiſſed, nor his ſuit diſcontinued for want of proſecution of the ſuit by him begun, but ſhall from time to time after fourteen days from the riſing of the Parliament be at liberty to proceed to judgment and execution.

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tion, or nonſuited, &c. 6 *Anne* 8.

IV. And be it enacted by the authority aforeſaid, That no action, ſuit, proceſs, order, judgment, decree, or proceeding in law or equity againſt the King's original and immediate debtor for the recovery or obtaining of any debt or duty, originally and immediately due or payable unto his Majeſty, his heirs and ſucceſſors, or againſt any accomptant or perſon anſwerable or liable to render any account unto his Majeſty, his heirs or ſucceſſors, for any part or branch of any of his or their revenues, or other original and immediate debt or duty, or the execution of any ſuch proceſs, order, judgment, decree, or proceedings, ſhall be impeached, ſtayed, or delayed, by or under the colour or pretence of any privilege of Parliament: yet ſo nevertheleſs, that the perſon or perſons of any ſuch debtor or accomptant, or perſon anſwerable or liable to account, being a peer of this realm, or lord of Parliament, ſhall not be liable to be arreſted or impriſoned by or upon any ſuch ſuit, order, judgment, decree, proceſs, or proceeding; or, being a member of the houſe of commons, ſhall not during the ſpace of forty days immediately before the beginning or meeting of any Parliament, or during the like ſpace of forty days immediately after the prorogation or diſſolution of this preſent or any other Parliament, be arreſted or impriſoned by or upon any ſuch order, judgment, decree, proceſs, or proceedings.

No privilege for the King's debtor or accountant, except as to his perſon 40 days before or after, &c. 6 *Anne* 8.

V. Provided nevertheleſs, That neither this act, nor any thing therein contained, ſhall extend to give any juriſdiction, power, or authority, to any court to hold plea in any real or mixt action in any other manner, than ſuch court might have done before the making of this act.

Not to give power to any court to hold plea, ſave as before.

CHAP. IX.

An act for the further regulating the election of members of Parliament, and preventing the irregular proceedings of sheriffs and other officers in electing and returning such members.

To prevent irregular proceedings by returning officers,

WHEREAS by the evil practices and irregular proceedings of sheriffs, mayors, sovereigns, and other officers, in the execution of writs and precepts for electing members to serve in Parliament, as well the freeholders and others in their right of election, as also the persons by them elected to be their representatives, have heretofore been greatly injured and abused: for remedying the same, and preventing the like for the future, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That from and after the first day of May one thousand seven hundred and twenty eight the sheriff and sheriffs of every county, or city and county, shall, within four days after he or they shall receive the writ for the elections of any member or members to serve in Parliament, issue or send out his and their precepts under his or their hand and seal to the several and respective boroughs, towns-corporate, and mannors in his or their county, which have right to send members to Parliament, and direct the several and respective precepts, and cause them to be delivered, to such acting magistrates or officers of the said boroughs, towns-corporate, and mannors respectively, as made the last returns of members, that sat in Parliament for such respective boroughs, towns-corporate, and mannors, be the same mayor, sovereign, portreve, provost, burgomaster, bailiff, or seneschal, and to no other persons whatsoever; and the sheriff or sheriffs shall accept such returns of such precepts from such magistrates and officers only, to whom he or they so directed and sent the said precepts respectively, by indentures to be made betwixt such sheriff or sheriffs, and such magistrates or officers of such elections, and of the names of the citizens and burgesses chosen; and that no fee, gratuity, or reward whatsoever shall be given, paid, received, or taken by any sheriff, under-sheriff, sheriff's-clerk, mayor, sovereign, portreve, or other officer of any county, city, town, or place, for making out, or the delivery, return,

sheriffs in 4 days after receipt of writs for elections shall issue precepts to boroughs, &c. and deliver to last returning officers,

23 *H.* 6. 15. *Eng.*

7 & 8 *Wil.* 3. 25. *Eng.*

and accept returns from them only,

without fee.

return, or execution of any such writ or precept for the electing members to serve in Parliament. A. D. 1727.

II. And be it further enacted by the authority aforesaid, That every mayor, sovereign, portreve, seneschal, or other chief magistrate, or officer of any city, borough, town-corporate, or mannor, to whom the sheriff or sheriffs shall so send a precept for the electing any members to serve in Parliament, shall hold the election within twenty one days from the day of his receiving the precept; and shall in some publick place of such city or other town-corporate, or mannor, where notices are usually posted up, affix, or cause to be affixed, notice under his hand and seal of the time and place of holding such election four days preceding the election; and in case any returning officer shall act otherwise, or offend herein, he shall for such offence forfeit the sum of five hundred pounds. Penalty 500l.

Chap. 9.

Returning officers shall hold elections 21 days after receipt of precept, and 4 days before post up notice thereof. 7 & 8 *Wil.* 3. 25. *Eng.*

III. And be it further enacted by the authority aforesaid, That all contracts, promises, bonds, and securities, hereafter to be made or given to any sheriff or other returning officer to indempnify such sheriff or other returning officer for making a return of any member to serve in Parliament, or to pay such sheriff or returning officer any sum or sums of money by way of gratuity or reward for making such return, or otherwise in respect thereof, shall be and are hereby declared to be null and void; and whosoever shall make, give, or accept such contract, promise, bond, or other security, or any gift or reward, to procure any false or double return, shall forfeit five hundred pounds, to be recovered and applied as herein after is mentioned.

All securities to indemnify, or to pay to, returning officers, void. 7 & 8 *Wil.* 3. 7. *sec.* 4. *Eng.*

and penalty 500 l. on giver or acceptor.

IV. And to the end that sheriffs may make due returns of the writs to them directed: be it further enacted by the authority aforesaid, That all and every sheriff and sheriffs, who shall receive any writ for the election of any member to serve in any future Parliament, shall on or before the day, at which such future Parliament shall be called to meet, make due return of the writ to him or them directed, and of such indentures thereunto annexed as shall be returned to him or them by the proper returning officer as aforesaid, to the clerk of the crown in the court of Chancery; and in default thereof shall forfeit to every party thereby aggrieved the sum of five hundred pounds, to be recovered as is herein after mentioned.

Sheriffs on or before day of meeting shall return the writs and indentures to clerk of crown in Chancery. 10 & 11 *Wil.* 3. 7. *Eng.*

Penalty 500l. to the party.

V. And be it further enacted by the authority aforesaid, That the clerk of the crown shall enter in a book kept for that purpose every single and double return of any member or members to serve in Parliament, which shall come into his office or to his hands, and also every alteration and amendment which shall be made

Clerk of crown shall enter every Return and Amendment, and give copies.

A. D. 1727. Chap. 9.

made in every ſuch return; to which book all perſons ſhall have free acceſs to ſearch and take copies; for which ſearch the ſaid clerk of the crown ſhall and may take the ſum of two ſhillings and ſix pence, and no more; and for every copy the ſaid clerk ſhall give out, he may have and take the ſum of two ſhillings and ſix pence, and no more; which book, or a true copy thereof, ſhall be admitted as evidence upon any trial at law relating to ſuch ſingle or double return, and ſhall have the ſame force and effect, as the record of ſuch return would have, if the ſame were produced; and if the clerk of the crown wilfully omit to perform his duty in the premiſſes, he ſhall forfeit for every ſuch offence to the party grieved the ſum of one hundred pounds, to be recovered and applied in ſuch manner as is herein after mentioned.

7 & 8 *Wil.* 3. 7. *ſec.* 5. *Eng.*

Fee for ſearch 2*s.* 6*d.* for copy 2*s.* 6*d.* and his book, or a true copy evidence on trial at law.

Penalty on clerk 100 *l.* to the party.

Truſtee or mortgagee ſhall not vote, unleſs in actual poſſeſſion or receipt of profits 6 months before the writ: but mortgagor or *ceſt. truſt* ſhall. 7 & 8 *Wil.* 3. 25. *ſec.* 7. *Eng.*

VI. And to prevent diſputes, and render it more certain who ought to be admitted to vote at ſuch elections: be it further enacted by the authority aforeſaid, That no perſon ſhall be allowed to have a vote at any election of members to ſerve in Parliament for or by reaſon of any truſt eſtate, or mortgage, unleſs ſuch truſtee or mortgagee be in the actual poſſeſſion, or receive the rents, iſſues, and profits, of the ſame eſtate ſix months before the iſſuing of the writ; but that the mortgagor or ceſtique truſt in poſſeſſion ſhall and may vote for the ſaid eſtate notwithſtanding ſuch mortgage or truſt.

Repealed 19 G. 2. 11.

No freeholder under 10*l. per annum* ſhall vote, unleſs memorial of the deed entered ſix months before with clerk of peace.

and that no perſon ſhall be admitted to vote as a freeholder at the election of any knight, citizen, or burgeſs, whoſe freehold is at the time of ſuch election under the value of ten pounds *per annum*; unleſs a memorial of the deed or deeds, by which ſuch freehold is granted, be entered ſix months before with the clerk of the peace in a book to be kept by him, to which all perſons may reſort, and which he is hereby required to keep for that purpoſe; which entry ſhall contain the nature of the freehold, name of the grantor and grantee, leſſor and leſſee, with the quantity of the land granted, and the conſideration, rent reſerved, and date of the deed; for making which entry, and endorſing that it was made on the back of the grant or leaſe, the clerk of the peace ſhall have as a fee the ſum of ſix pence and no more. Provided, That nothing herein contained ſhall extend to hinder any freeholder from voting, where ſuch freehold came to him by deſcent, marriage, marriage-ſettlement, deviſe, preſentation to ſome benefice in the church, or promotion to ſome office unto which ſuch freehold is annexed.

not to extend to freeholds by deſcent, &c. 2 *G.* 1. 19. 19 *G.* 2. 11. 21 *G.* 2. 10. 10 *Anne* 23. *ſec.* 2. *Eng.*

VII. And for the better preventing papiſts from voting in elections: be it further enacted by the authority aforeſaid, That no papiſt, though not convict, ſhall be intitled or admitted to vote at the election of any member to ſerve in Parliament as knight, citizen, or burgeſs, or at the election of any magiſtrate

No papiſt (tho' not convict) ſhall vote at elections of any member of

for any city or other town-corporate; any law, ſtatute, or uſage, to the contrary notwithſtanding. A. D. 1727. Chap. 9.

VIII. And be it further enacted by the authority aforeſaid, That no perſon ſhall be intitled or admitted to vote as a freeman at the election of any member to ſerve in Parliament, or of any magiſtrate in any city or other town-corporate, where ſuch freeman hath not been free ſix calendar months before ſuch election, unleſs ſuch freeman came in and was admitted free by ſervice to ſome trade, art, or myſtery, in ſuch city or town-corporate, or by birth-right, or unleſs ſuch perſon was intitled to his freedom, and had demanded the ſame ſix months before ſuch election.

parliament or magiſtrate. 2 *Anne* 6. 2 *G.* 1. 19. nor a freeman, if not free 6 months before, unleſs by ſervice to a trade, by birth, or intitled and demanded 6 months before.

IX. And to the intent that all perſons concerned may have ſufficient notice of the election of aldermen and burgeſſes on the death or removal of any of them: be it enacted by the authority aforeſaid, That when any alderman, burgeſs, or common council-man in any city or other corporation of this kingdom, where by the charter or uſage no ſtated day or limited time is appointed for ſuch election, ſhall happen to die, or be removed from, or reſign his office of alderman, burgeſs, or common council-man, the chief magiſtrate duly ſhall proceed to a new election of an alderman, burgeſs, or common council-man, to ſerve in the room of ſuch alderman, burgeſs, or common council-man, ſo dying, removed, or reſigning, within thirty one days after notice of the death, removal, or reſignation of ſuch alderman, burgeſs, or common council-man; and the chief magiſtrate of ſuch city or other corporation ſhall and is hereby required to give publick notice in writing, to be poſted up in the moſt publick place of ſuch corporation, of the day, time, and place of ſuch election by the ſpace of eight days next preceding the day of election to be made as aforeſaid: and in caſe any alderman, burgeſs, or common council-man, ſhall not be elected within thirty one days as aforeſaid after notice to the chief magiſtrate of the death, removal, or reſignation of any alderman, burgeſs, or common council-man, then the chief magiſtrate of ſuch city or other corporation ſhall and is hereby required to give publick notice in writing, to be poſted up in the moſt publick place of ſuch city or corporation, by the ſpace of ſixteen days next preceding the day of ſuch election; and in caſe any chief magiſtrate ſhall offend herein, he ſhall forfeit for every ſuch offence the ſum of one hundred pounds, to be recovered as is herein after mentioned.

In corporations, on death or removal, &c. of alderman, burgeſs, or common-council, where no ſtated day by charter or uſage, chief magiſtrate ſhall proceed to election in 31 days after notice. 2 *G.* 1. 19.

and poſt up publick notice 8 days before.

If not elected in 31 days after notice to chief magiſtrate of the death, &c. then he is to poſt up publick notice 16 days before.

Penalty 100 l.

A. D. 1727.

X. And be it further enacted by the authority aforesaid, That all pecuniary penalties inflicted by this act shall be paid to the informer or prosecutor, who shall prosecute the offender or offenders to conviction, with full costs, where such penalties shall not exceed the sum of one hundred pounds; and of all other pecuniary penalties hereby inflicted two thirds shall be paid to such informer or prosecutor with full costs, and the other third to the poor of the parish or place where the offence shall be committed; and the said penalties shall be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Dublin; and in none of the cases aforesaid shall any essoign, privilege of Parliament, or other privilege, protection, or wager of law be granted or allowed, nor any more than one imparlance.

Penalties to be paid to prosecutor with full costs, where not exceeding 100 l. of all others, 2 thirds to prosecutor, the other to the poor.

Prosecutions to be in one year.

XI. Provided always, That every information, action, or prosecution grounded upon this act, shall be commenced within the space of one year next after the cause of action shall arise, or the offence be committed, and not afterwards.

CHAP. X.

An act for regulating the measures made use of in buying and selling of corn, and for promoting husbandry in this kingdom.

25 G. 2. 15. Corn, &c. shall be sold by weight, which is continued by 31 G. 2. 9.

WHEREAS an act made in this kingdom in the seventh year of the reign of King William the third of glorious memory, intituled, *An act for the better regulating of measures in and throughout this kingdom*, has hitherto proved ineffectual, by reason that most of the traders and dealers in corn and malt will not buy by the barrel or measure established by the said act; but demand and agree to have some quantity of corn, malt, or grain, to every barrel, or one barrel or more to every score, over and above the lawful measure; and for that the penalties provided by the said act are in some cases insufficient; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present Parliament assembled, and by the authority of the same, That from and after the first day of June, which shall be in the year of our Lord one thousand seven hundred and twenty eight, all bargains, contracts, and agreements, for adding or allowing any quantity of corn, malt, or grain, to any barrel or bushel, over and above the measures established by the said act, or for allowing any

7 Will. 3. 24 ineffectual.

Agreements for making any addition or allowance to measures to evade 7 Will. 3 vo id.

any more than twenty barrels to the ſcore, or for making any other addition or allowance with intent to elude or evade the ſaid act ſhall be void to all intents and purpoſes.

Dealers in corn buying above 1 barrel at ſame time from ſame perſon, it ſhall be meaſured by the barrel.

II. And be it enacted by the authority aforeſaid, That if any brewer, baker, maltſter, or other dealer in corn, ſhall by themſelves, or by any perſon employed by them, or any of them reſpectively, at the ſame time, and from the ſame perſon or perſons, buy any corn or grain to the quantity of or above one barrel, each barrel of the ſame ſhall be meaſured by the barrel, and not by the buſhel, or any leſs meaſure.

If ſuch agreement made, or if ſuch dealers buy corn, &c. not by ſtandard meaſure, or alter the meaſure after ſealed, or uſe any fraud in meaſuring, penalty for altering meaſure 50 l. other offences 10 l.

III. And be it enacted by the authority aforeſaid, That from and after the ſaid firſt day of June, which ſhall be in the year of our Lord one thouſand ſeven hundred and twenty eight, if any perſon or perſons ſhall make or enter into any ſuch contract or agreement as aforeſaid, or if any ſuch brewer, baker, maltſter, or other dealer in corn, ſhall by themſelves, or by any perſon employed by them, or any of them reſpectively, buy or receive any corn, malt, or grain, by any meaſure, that is not ſealed and agreeable to the ſtandard appointed by the ſaid act, or ſhall any way alter ſuch meaſure, after it is ſealed, to make it contain more or leſs; or ſhall take or receive any corn, malt, or grain, otherwiſe than by ſtrike, without heap or hand-wave, or ſhall uſe any other fraud or deceit in meaſuring corn, malt, or grain, contrary to the true intent and meaning of this preſent or the ſaid act; every ſuch perſon ſhall forfeit for every ſuch offence the ſums following: *viz.* for altering the meaſure fifty pounds, and for every other of the ſaid offence the ſum of ten pounds.

ſaid 50 l. by action of debt, &c.

IV. And be it enacted by the authority aforeſaid, That the ſaid penalty of fifty pounds ſhall and may be ſued for and recovered by action of debt, bill, plaint, or information, in any of his Majeſty's Four-courts in Dublin, by any perſon, who ſhall ſue for the ſame; in which no protection, eſſoign, or wager of law ſhall be allowed, or more than one imparlance granted.

in 6 months.

V. Provided always, That ſuch action ſhall be commenced within the ſpace of ſix calendar months after the time the ſaid offence ſhall be committed.

ſaid 10 l. by civil bill,

VI. And be it enacted by the authority aforeſaid, That all the aforeſaid penalties of ten pounds ſhall and may be ſued for before the judge or judges of aſſize in their reſpective circuits, as in caſes of civil bills, except only in the county of Dublin, where the ſaid penalties laſt mentioned ſhall and may be ſued for and recovered before the juſtices of the peace at their general quarter ſeſſions, and in the county of the city of Dublin, where the ſame may be ſued for and recovered before the lord-mayor and recor-

der

A. D. 1727. Chap. 10.

der at the general quarter-ſeſſions, by civil bill, ſo as ſuch civil bill be proſecuted within the ſpace of ſix calendar months after the offence committed; which ſaid forfeitures of fifty pounds and ten pounds ſhall be applied, one half to the informer, and the other half to the poor of the pariſh where ſuch offence ſhall be committed.

in 6 months. Said 50l. and 10l. to proſecutor and the poor.

VII. And foraſmuch as ſeveral perſons in this kingdom keep great quantities of land under ſtock, to the great diſcouragement of tillage, and manifeſt prejudice to the poor of this kingdom; be it enacted by the authority aforeſaid, That from and after the firſt day of November, which ſhall be in the year of our Lord one thouſand ſeven hundred and twenty nine, all and every perſon and perſons, who ſhall keep in his, her, or their own actual poſſeſſion or occupation, any quantity of arable or paſture land (bog, mountains, rocky, craggy, or fenny land, not fit for plowing, wood-land, meadow, and parks incloſed with walls or pales, only excepted) amounting to one hundred acres plantation meaſure, ſo as the ſame do not lye within five miles of the city of Dublin, ſhall annually till, plow, and ſow with corn or grain, five acres at the leaſt plantation meaſure, and ſo proportionably for any greater quantity of any ſuch arable or paſture land (other than as before excepted) that he, ſhe, or they ſhall ſo poſſeſs or occupy, notwithſtanding any covenant, condition, contract, or agreement between landlord and tenant, to the contrary; from which ſaid covenants, conditions, contracts, and agreements, ſo far forth as the ſame relate to the plowing of the ſaid five plantation acres as aforeſaid, the ſaid tenant or tenants is and are by the authority of this preſent act diſcharged, ſaved harmleſs, and indempnified: and every ſuch occupier or poſſeſſor, who ſhall neglect or refuſe ſo to do, ſhall forfeit for every acre, that ſhall not be tilled, plowed, and ſowed, according to the true intent and meaning hereof, the ſum of forty ſhillings; to be recovered by civil bill, purſuant to an act, intituled, *An act for the recovery of ſmall debts in a ſummary way before the judges of aſſize by any perſon or perſons, that ſhall firſt ſue for the ſame.*

Prejudicial to keep great quantity of land under ſtock:

Perſons occupying 100 acres of arable or paſture (bog, &c. meadow and parks incloſed excepted) ſhall, if not within 5 miles of Dublin, yearly plow and ſow 5 acres, and ſo proportionably,

notwithſtanding covenant with landlord to the contrary.

Penalty 40s. by civil bill.

VIII. Provided always, and be it further enacted by the authority aforeſaid, That no perſon or perſons, who is or are hereby indempnified and diſcharged from ſuch covenants, conditions, or agreements as aforeſaid, ſhall have liberty to graft up or burn the ſod of any of the land, demiſed to him or them, without the conſent of the perſon or perſons, to whom the immediate freehold and inheritance of the ſame lands ſhall for the time being belong.

But ſhall not graft up or burn the ſod without conſent.

A. D. 1727.

CHAP. XI.

An act for the further improvement of the hempen and flaxen manufactures of this kingdom.

WHEREAS a hall, commonly called the Linnen-hall, hath been lately erected at the expence of the publick within the ſuburbs of the city of Dublin for the reception of all ſuch linnen cloaths, as ſhall and may be lodged there in order to be ſold: for the better regulating and making the ſame anſwer the purpoſes, for which it was deſigned; be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the truſtees for encouraging the hempen and flaxen manufactures of this kingdom, or any ſeven or more of them, ſhall and may make, conſtitute, and appoint ſuch rules, orders, and directions for regulating, governing, and directing the ſaid Linnen-hall, and all cloaths lodged therein, and all factors, officers, and ſervants, employed in or about the ſaid hall, and from time to time, and at all times hereafter, ſhall and may add to, alter, or amend the ſame, as they the ſaid truſtees, or any ſeven or more of them, ſhall judge fitting and proper. *Repealed* 19 G. 2. 6.

II. Provided always, That ſuch rules, orders, and directions, ſhall have no force or effect, until they be confirmed and approved of by the lord high chancellor, lord chief juſtice of the King's-bench, lord chief juſtice of the Common-pleas, and lord chief baron of the Exchequer of this kingdom for the time being, or any two or more of them.

III. And be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any ſeven or more of them, ſhall and may from time to time, and at all times hereafter, appoint ſuch officers, factors, and ſervants to attend and execute the buſineſs of the ſaid hall; and out of the funds applied to the uſe of the hempen and flaxen manufactures allow and pay them ſuch wages and ſalaries, as they ſhall think fitting, not exceeding in the whole the ſum of one hundred and twenty pounds *per annum*.

IV. And be it further enacted by the authority aforeſaid, That if any complaint ſhall be made againſt ſuch officers, factors, or ſervants, or any or either of them, for any fraud, miſbehaviour, or neglect in his or their office; that it ſhall and may be lawful to and for the ſaid truſtees, or any five or more of them, on examination of the parties and ſuch witneſſes, as they ſhall produce, upon oath (which oath the ſaid truſtees are hereby impowered to adminiſter) finally to hear and determine the ſame, and, if the ſaid complaint be fully proved, to impoſe ſuch fine upon ſuch officers, factors, or ſervants, as the ſaid truſtees ſhall judge fitting, not exceeding the ſum of twenty pounds for any one offence, for the uſe of ſuch perſon who ſhall firſt make complaint thereof; and in caſe ſuch fine ſhall not be paid at the time limited by the ſaid truſtees for the payment thereof, that then it ſhall and may be lawful to and for any perſon or perſons impowered by warrant under the hands and ſeals of the ſaid truſtees, or any five or more of them, to levy the ſame by diſtreſs and ſale of the offenders goods, rendring the overplus to the owner.

V. And to the intent that all linnen cloaths may be made of ſuch breadths, as are fitteſt both for foreign markets and home conſumption; be it enacted by the authority aforeſaid, That from and after the firſt day of November next all linnen cloaths, made and manufactured in this kingdom, ſhall be of one of the breadths hereafter mentioned: (that is to ſay) all plain linnen cloath ſhall be in breadth,

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when whitened, either full half ell, or two and twenty inches and a half, or full three quarters of a yard, or full ſeven eight parts of a yard, or full yard, or full yard and half quarter, or full yard and quarter, or full yard and half in each piece; and all diapers and damaſks, when whitened, ſhall be either of one of the breadths aforeſaid, or full yard and three quarters, or full two yards, or full two yards and one quarter, or full two yards and half, or full two yards and three quarters, or full three yards, or full three yards and quarter, or full three yards and half, or full three yards and three quarters, or full four yards wide; and all tickings ſhall be in breadth full half yard, half ell, or three quarters of a yard, or full ſeven eight parts of a yard, or full one yard, or full yard and half quarter, or full yard and quarter, or full yard and half, or full yard three quarters, or full two yards wide; and every lapper in making up a piece of any of the cloaths aforeſaid ſhall not only mark the length thereof, but ſhall alſo at each end of ſuch piece of cloath mark or ſtamp the breadth of the ſame; and if ſuch piece of cloath be not fully of one of the reſpective breadths herein above mentioned, then and in ſuch caſe the ſaid lapper ſhall mark or ſtamp thereon the ſtatutable breadth, next under what the ſaid cloath actually meaſures.

VI. And be it further enacted by the authority aforeſaid, That no perſon or perſons ſhall begin to lay down any piece of cloath, diaper, or damask, on any bleach-yard, green, or other place made uſe of for bleaching, between the fifteenth day of Auguſt and the firſt day of February following in any year; and if any linnen cloath, diaper, or damask ſhall be firſt laid down on any green or bleach-yard to be bleached between the fifteenth day of Auguſt and the firſt day of February in any year, and if any linnen-cloath, diaper, or damask ſhall be found lying on any bleach-yard, green, or other place uſed for bleaching, between the ſecond day of November and the firſt day of February, every perſon or perſons, on whoſe bleach-yard or green ſuch cloath, diaper, or damask ſhall be ſo firſt laid down, or found lying between the reſpective days aforeſaid, ſhall forfeit for every yard of the ſaid cloath, diaper, or damask the ſum of ſix pence *per* yard; to be paid and recovered in manner herein after mentioned.

VII. Provided always, That if any perſon or perſons ſhall have any piece or pieces of cloath damaged by any accident, which may happen by the carriage thereof or otherwiſe, ſo that ſuch piece or pieces of cloath cannot be preſerved without immediate bleaching, and ſhall obtain a certificate from any one of his Majeſty's juſtices of the peace, that ſuch piece or pieces of cloath hath or have been ſo damaged, it ſhall and may be lawful to and for every ſuch perſon and perſons to lay down and continue ſuch piece or pieces of damaged cloath at any time of the year in any bleach-yard or green; any thing in this act contained to the contrary thereof in any wiſe notwithſtanding.

VIII. And be it further enacted by the authority aforeſaid, That every weaver ſhall from and after the firſt day of November next ſtamp his name in legible characters with oyl and lamb-black on one end of any piece of green cloth, he, his journeyman or apprentice ſhall weave or work, under the penalty of five ſhillings for every ſuch piece of cloath not ſo ſtamped as aforeſaid; and any perſon or perſons, who ſhall after the time aforeſaid expoſe to ſale any green cloath without ſuch weaver's name, ſhall for every piece of ſuch cloath forfeit the ſum of one ſhilling.

IX. And be it further enacted by the authority aforeſaid, That every maſter linnen-weaver ſhall have and keep in good order and repair four ſufficient reeds marked with the two firſt letters of his name; to wit, one reed for weaving therein a ten hundred cloath, one for an eleven hundred cloath, one for a twelve hundred cloath, and one other for a fifteen hundred cloath, under the penalty of five ſhillings for every ſuch reed as he ſhall at any time want; and every ſuch weaver, not having ſuch four good and ſufficient reeds for his own, his journeymen, and apprentices uſe, ſhall not be exempt from ſerving as petty conſtable, church-warden, or ſideſman, or ſerving on juries, purſuant to the act made in the fourth year of the reign of

4 *Anne* 4.

of the late Queen Anne, intituled, *An act for the improvement of the hempen and flaxen manufactures in this kingdom.*

X. And be it further enacted by the authority aforesaid, That no master linnen-weaver shall take, hire, or employ any journeyman linnen-weaver, who has not a discharge in writing signed by the linnen-weaver, for whom he last worked, or, in case of such weaver's refusing such discharge without just cause or reason, under the hand of some neighbouring justice of the peace, under the penalty of five pounds.

XI. And whereas divers of the linnen-weavers, instead of duly teaching and instructing their apprentices in their trade, employ them great part of the time of their apprenticeship in husbandry and other sort of work no ways relating thereto, by means whereof such apprentices, when they have served their time, are in great measure ignorant of their trade, and incapable of carrying on the business thereof in a workmanlike manner: be it therefore enacted by the authority aforesaid, That no linnen-weaver shall employ his apprentice for any unreasonable time in husbandry, or any other work, or labour, not relating to the business or trade of a weaver, except only during twenty four days in harvest in every year, under the penalty of forfeiting for the first offence the sum of ten shillings, and for the second offence the sum of twenty shillings, and for the third offence, on being convict thereof, such apprentice shall and may, if he desires the same, be discharged from serving the remaining time of his apprenticeship: provided always that such apprentice makes his complaint to some justice of the peace, or the chief magistrate of the city or town, where he shall dwell, within one kalendar month after the cause of complaint.

XII. And whereas all methods hitherto used have proved ineffectual to oblige the people of this kingdom to reel and divide their yarn in a regular and fair manner: be it further enacted by the authority aforesaid, That from and after the first day of May one thousand seven hundred and twenty nine all linen-yarn, which shall be found in the custody or possession of any spinner, maker, or reeler of linen-yarn, or of any person or persons following the trade or occupation of a yarn-buyer, commonly called grey-merchants or pedlars, or of any person or persons in trust for them, or any of them, or for his or their benefit, which shall not be reeled and made up according to the directions of the acts of Parliament in this kingdom for that purpose made, shall be subject and liable to the like seizure, forfeiture, and condemnation, as if the same had been actually exposed to sale in open market.

XIII. And whereas by an act passed in the sixth year of the reign of the late Queen Anne, intituled, *An act for the further encouragement and improvement of the hempen and flaxen manufactures*, it it enacted, "That every cut of one hundred "and twenty threads be sub-divided into six loops, and that every loop shall contain "twenty threads:" be it further enacted by the authority aforesaid, That the said clause, or part of the sad act, be and is hereby repealed. *6 Anne 9.*

XIV. And be it further enacted by the authority aforesaid, That any person or persons, impowered under the hands and seals of any five or more of the trustees for the hempen and flaxen manufacture, may and are hereby impowered in the day-time to enter into any house, private or publick shop, or other private place where yarn is sold or kept for sale by any grey-merchant or pedlar, and examine the same; and in case entrance be refused to any person impowered as aforesaid, the person so refusing shall forfeit the sum of ten pounds; to be recovered in such manner as the other penalties and forfeitures in this act are to be recovered.

XV. And be it further enacted by the authority aforesaid, That all and every the sum and sums of money forfeited by virtue of this act, or of any clause therein contained, other than and except the fines to be imposed by the said trustees as aforesaid, shall be paid and belong to such person or persons, who shall first make complaint of the respective offences herein before mentioned, to any one or more of the justices of the peace of the county, or chief magistrate of the city or town where the offenders live; which said justice or justices of the peace, or chief magistrate, within their respective jurisdictions, shall and may summon such offenders

to

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to appear before them at a certain time and place, and shall upon examination of such of the parties, as shall then appear, and of their witnesses as they shall produce, on oath, (which oath they are hereby impowered to administer) duly hear and determine such complaint, and issue his or their warrant to any one or more of the constables of such county, city, or town, requiring and authorizing him or them by distress or sale of the offenders goods (the overplus whereof shall be rendered to the owners) to raise and levy the respective forfeitures and penalties by such offenders incurred, and pay the sums so levied to the person or persons intitled to the same, deducting thereout the sum of one shilling and no more for the constables trouble in executing such warrant.

16 G. 1 2. XVI. And whereas by an act passed in the tenth year of the reign of his late Majesty King George the first, intituled, *An act for amending the statute now in force for encouraging the hempen and flaxen manufactures in this kingdom, and for the further improvement thereof*, the like premiums are given for sail-cloth made of Irish hemp cut into sails for the use of any ship, on exporting the same therein mentioned, as if such sail-cloth were exported: be it enacted by the authority aforesaid, That the like premiums shall be given and paid for all sail-cloth made of Irish hemp, that shall be cut and made into sails for the use and reasonable furniture of any sloop, boat, or other vessel, by the same person, and in the same manner, and upon making the like oaths, as if the same were made into sails for any ship, and as are directed by the said recited act, or any other act in force in this kingdom.

XVII. And be it further enacted by the authority aforesaid, That if any justice of the peace or chief magistrate of any city or town within this Kingdom shall wilfully neglect or refuse to execute the powers and authorities vested in him by this or any other of the acts passed in this kingdom relating to the linen and hempen manufactures, or shall not put the same in execution according to the true intent and meaning thereof, and shall be prosecuted for the same with the approbation of any five or more of the said trustees for encouraging the hempen and linen manufactures of this kingdom; such justice of the peace or chief magistrate, being thereof lawfully convicted upon information or indictment exhibited in his Majesty's court of King's bench, or before the judges of assize in their circuits, shall be fined by the justices, before whom such conviction shall be had, in any sum not exceeding one hundred pounds.

4. G. 1. 6. XVIII. And whereas by a clause in an act made in the fourth year of the reign of his late Majesty King George the first of glorious memory, intituled, *An act for exempting British linen imported from all duties, and granting to his Majesty an additional duty on cordage, and for the more effectual preventing frauds and abuses in the hempen and flaxen manufactures of this kingdom, and for the further encouragement thereof*, the respective surveyors or land-waiters of every port within this kingdom, or such other officer or officers as the commissioners of his Majesty's revenue should appoint, were required from time to time from and after the twenty fifth day of December one thousand seven hundred and seventeen to mark and stain with the impression of a harp and crown of a red colour, or to seal with such seal as the said commissioners of the revenue should direct, every piece of white, painted, or stained callicoes, and of all sail-cloth, canvas, hollands, cambricks, lawns, lenings, and other foreign linen, which should be imported into this kingdom, and to keep an entry and registry thereof: and whereas great quantities of such goods so imported into this kingdom have been from time to time stampt with counterfeit stamps, so artfully contrived as not to be easily distinguished from the real and genuine stamp; by which means the said act hath been made a protection and encouragement for the running of such goods, and the fund intended for supporting the linen manufacture is very much impaired and lessened: for remedy whereof be it enacted by the authority aforesaid, That the said recited and any other clauses of the said act, as any way relate to the stamping of such callicoes, linen, or goods, or that

that impoſe any fine, penalty, or forfeiture for the not ſtamping thereof, be from henceforth repealed and made null and void.

XVIII. And whereas by an act paſſed in the ninth year of the reign of her late Majeſty Queen Anne, intituled, *An act to enforce ſuch acts, as have been made for the improvement of the linnen manufacture, and for a further regulation of the ſame*, an additional duty of one ſhilling and ſix pence *per* yard was laid upon all white, painted, and ſtained callicoes, and ſix pence *per* yard on all linnens, which ſhould be imported into this kingdom, to be applied to encourage the hempen and flaxen manufactures thereof; which ſaid duties from time to time have been by ſeveral acts continued until the twenty fifth day of December, which will be in the year of our Lord one thouſand ſeven hundred and thirty: and whereas great quantities of painted or ſtained muſlins have of late been imported into this kingdom in imitation of painted or ſtained callicoes, and a doubt hath ariſen, whether the ſame are liable to the ſaid additional duties on callicoes: be it, enacted by the authority aforeſaid, That the ſaid additional rate or duty of one ſhilling and ſix pence *per* yard for every yard of ſuch white, painted, or ſtained callicoe, and ſix pence for every yard of any ſort of linnen cloth not of the growth or manufacture of Great-Britain, ſhall be and continue due and payable to his Majeſty, his heirs and ſucceſſors, for all ſuch white, painted, and ſtained callicoes and linnens, which ſhall be imported into this kingdom until the twenty fifth day of December, which ſhall be in the year of our Lord one thouſand ſeven hundred and thirty five, and from thence to the end of the ſeſſion of Parliament then next following; and that all ſuch painted and ſtained muſlins imported into this kingdom ſhall be ſubject and liable to the ſaid additional duty of one ſhilling and ſix pence *per* yard for the ſame time, and to be paid in like manner as the ſaid additional duty on painted or ſtained callicoes; which ſaid additional duties on white, painted, and ſtained callicoes, and painted and ſtained muſlins and linnen, ſhall be applied to the uſes of the hempen and flaxen manufactures of this kingdom, and be ſubject to the diſpoſal, order, and management of the truſtees appointed for the encouraging the ſaid hempen and flaxen manufactures.

9 *Anne* 3.

XIX. And whereas it is enacted in and by the ſaid herein before recited act made in the fourth year of the reign of her late Majeſty Queen Anne, intituled, *An act for the improvement of hempen and flaxen manufactures in this kingdom*, that every linnen-weaver being a proteſtant, having ſerved his apprenticeſhip to the ſaid trade for the ſpace of five years, and worked two years after at the ſame as a journeyman, and being ſet up for himſelf, and keeping one loom or more conſtantly employed in the linnen manufacture; ſhall be a freeman of the city or town corporate, wherein he ſhall ſet up his trade, during his reſidence and following the ſaid trade therein, by virtue whereof ſeveral linnen-weavers claim a right to vote in the election of magiſtrates in cities and corporations, and of members to ſerve in Parliament for ſeveral cities and burroughs in this kingdom, where freemen have a right to vote in ſuch election: be it therefore declared and enacted by the authority aforeſaid, That from and after the firſt day of May one thouſand ſeven hundred and twenty eight no linnen-weaver, who by virtue of the ſaid act only is and ſhall be free of any city, burrough, or town corporate in this kingdom, ſhall have any right to vote in the election of any magiſtrate for ſuch city, burrough, or town corporate, or of any member to ſerve in this or any future Parliament in this kingdom by virtue of ſuch freedom.

14 *Anne* 4.

CHAP. XII.

An act for the more eaſy recovery of tythes and other eccleſiaſtical dues of ſmall value.

7 & 8 *Wil.* 3. 6. *Eng.*

FOR the more eaſy and effectual recovery of tythes and other eccleſiaſtical dues of ſmall value, where the ſame ſhall be unduly ſubſtracted and detained, and where the ſame do not amount to above the yearly value of forty ſhillings from any one perſon; be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all tythes from henceforth, where the ſame do not amount to above the yearly value of forty ſhillings from any one perſon, and all and ſingular the compoſitions and agreements for the ſame, with all offerings and other eccleſiaſtical dues of like value, ſhall be well and truly ſet out and paid to the ſeveral rectors, vicars, and other perſons, to whom they are or ſhall be payable in their ſeveral pariſhes within this kingdom, according to the rates, cuſtoms, and preſcriptions commonly uſed within the ſaid pariſhes reſpectively.

Tithes, compoſitions, and eccleſiaſtical dues not above 40 s. yearly from 1 perſon, ſhall be ſet out and paid according to rates and cuſtoms of the pariſhes.

II. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall hereafter ſubſtract, or withdraw, or any ways fail in, the payment of ſuch tythes, offerings, eccleſiaſtical dues, or compoſitions as aforeſaid, by the ſpace of twenty days at moſt after demand thereof, then it ſhall and may be lawful for the perſon or perſons, to whom the ſame ſhall be due, to make his or their complaint in writing unto two or more of his Majeſty's juſtices of the peace of that county, county of a city, or county of a town, where the ſame ſhall grow due; and where ſuch complaint ſhall be brought before two or more juſtices of the peace as aforeſaid concerning ſuch tythes, offerings, eccleſiaſtical dues or compoſitions as aforeſaid, the ſaid juſtices are hereby authorized and required to ſummon in writing under their hands and ſeals by giving four days notice at the leaſt to every ſuch perſon or perſons, againſt whom any complaint ſhall be made as aforeſaid; and after his or their appearance, or upon default of ſuch appearance the ſaid warning or ſummons being proved before them upon oath, the ſaid juſtices of the peace, or any two or more of them ſhall proceed to hear and determine the ſaid complaint; and upon the proof, evidences, and teſtimonies produced before

on non-payment 20 days, and complaint in writing to 2 juſtices of the county, 5 *G.* 2. 6. *one juſtice, where not above* 5 *s.* who ſhall ſummon the party, giving 4 days notice, determine, and on proof give reaſonable allowance for the ſame, and coſts not above 10 s.

them, ſhall in writing under their hands and ſeals adjudge the caſe, and give ſuch reaſonable allowance and compenſation for ſuch tythes, offerings, eccleſiaſtical dues, or compoſitions as aforeſaid, ſo ſubſtracted or with-held, as they ſhall judge to be juſt and reaſonable; and alſo all ſuch coſts not exceeding ten ſhillings, as upon the merits of the cauſe ſhall appear to be fit: provided always that no juſtice of the peace ſhall have authority to hear and determine any of the matters aforeſaid, who ſhall not have an eſtate of free-hold in lands, tenements, or hereditaments within this kingdom of the yearly value of one hundred pounds, except the ſeveral and reſpective juſtices of the peace in counties of cities or counties of towns, who ſhall and may proceed in the execution of this ſtatute as aforeſaid within their reſpectective juriſdictions, notwithſtanding ſuch juſtices of the peace ſhall not have ſuch eſtate of free-hold: provided alſo, that no juſtice of the peace ſhall be qualified to hear and determine any of the matters aforeſaid, who ſhall not be reſident in the county, county of a city, or county of a town, where the tythes, eccleſiaſtical dues, or compoſitions in queſtion, ſhall ariſe, or who ſhall be patron of the church or chappel, in right of which the ſaid tythes, eccleſiaſtical dues, or compoſitions ſhall be demanded, or who ſhall be any ways intereſted in ſuch tythes, eccleſiaſtical dues, or compoſitions as aforeſaid, or who ſhall be a clergyman in holy orders.

ſaid juſtices muſt have freehold of 100 l. *per ann.* except in counties of cities or towns.

muſt be reſident, no ways intereſted, not in holy orders.

III. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall refuſe or neglect by the ſpace of ten days after notice given to pay or ſatisfy any ſuch ſum of money, as upon ſuch complaint and proceeding ſhall by two or more juſtices of the peace be adjudged as aforeſaid; in every ſuch caſe the conſtables and church-wardens of the ſaid pariſh, or one of them, ſhall, by warrant under the hands and ſeals of the ſaid juſtices to them directed, diſtrain the goods and chattels of the party ſo refuſing or neglecting as aforeſaid; and, after detaining them three days in caſe the ſaid ſum ſo adjudged to be paid, together with reaſonable charges for making and detaining the ſaid diſtreſs, be not tendered or paid by the ſaid party in the mean time, ſhall and may make publick ſale of the ſame, and pay to the party complaining ſo much of the money ariſing by ſuch ſale, as may ſatisfy the ſaid ſum ſo adjudged; retaining to themſelves ſuch reaſonable charges for making and keeping the ſaid diſtreſs, as the ſaid juſtices ſhall think fit, and ſhall render the overplus (if any there be) to the owner.

On non-payment 10 days after notice, conſtables, &c. may diſtrain, and ſell publickly after 3 days, if no payment or tender, 5 *G.* 2. 6. *Diſtreſs neareſt the value.*

and ſatisfy the ſum and charges, reſtoring overplus.

IV. Pro-

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Justices in the examination may administer oaths.

IV. Provided always, and be it enacted by authority aforesaid, That it shall and may be lawful for all justices of the peace in the examination of all matters, whereof jurisdiction is given to them by this act, to administer an oath or oaths to any witness or witnesses, where the same shall be necessary for their information, and for the better discovery of the truth.

Complaint must be in 2 years.

V. Provided also, and be it enacted by the authority aforesaid, That no complaint for or concerning any such tythes, offerings, or other ecclesiastical dues or compositions hereafter due, shall be heard and determined by any justices of the peace by virtue of this act, unless the complaint shall be made within the space of two years next after the times that the same tythes or other ecclesiastical dues and compositions did become due or payable; any thing in this act contained to the contrary notwithstanding.

Appeal to sessions:

VI. Provided also, and be it enacted by the authority aforesaid, That any person or persons finding him, her, or themselves aggrieved by any judgment to be given by any two justices of the peace, shall and may appeal to the next general quarter-sessions to be held for that county, county of a city, or county of a town, and the justices of the peace there present, or the major part of them, shall proceed finally to hear and determine the matter, and to reverse the said judgment if they shall see cause; and if the justices then present, or the major part of them shall find cause to confirm the judgment given by the two first justices of the peace, they shall then decree the same by order of sessions, and shall also proceed to give such costs against the appellant, to be levied by distress and sale of the goods and chattels of the said appellant, as to them shall seem just and reasonable; and no proceedings or judgment had or to be had by virtue of this act shall be removed or superseded by any writ of *certiorari*, or other writ, out of his Majesty's courts at Dublin, or any other court whatsoever unless the title of such tythes or other ecclesiastical dues shall be in question; any law, statute, custom, or usage, to the contrary notwithstanding.

Costs if judgment affirmed.

no *certiorari*, &c. unless the title in question.

if prescription, *modus*, agreement, or title, to be free from such dues is insisted on, and delivered in writing to the justices, and subscribed, and security given to pay costs of trial if not allowed, the justices shall forbear,

VII. Provided always, and be it enacted by the authority aforesaid, That where any person or persons, complained of for subtracting or with-holding any such tythes or other dues aforesaid, shall before the justices of the peace, to whom such complaint is made, insist upon any prescription, composition, or *modus decimandi*, agreement or title, whereby he, she, or they is or ought to be freed from payment of the said tythes or other dues in question, and deliver the same in writing to the said justices of the peace, subscribed by him, her, or them, and shall then give to the party complaining reasonable and sufficient security to the satisfaction

ſatisfaction of the ſaid juſtices, to pay all ſuch coſts and damages as upon a tryal at law, to be had for that purpoſe in any of his Majeſty's courts having cognizance of that matter, ſhall be given againſt him, her, or them, in caſe the ſaid preſcription, compoſition, or *modus decimandi*, ſhall not upon the ſaid tryal be allowed, that in that caſe the ſaid juſtices of the peace ſhall forbear to give any judgment in the matter; and that then and in ſuch caſe the perſon or perſons ſo complaining ſhall and may be at liberty to proſecute ſuch perſon or perſons for the ſaid ſubſtraction in any other court or courts whatſoever, where he, ſhe, or they might have ſued before the making of this act; any thing in this act to the contrary notwithſtanding.

and complainant may ſue in any other court.

VIII. And be it further enacted by the authority aforeſaid, That every perſon and perſons, who ſhall by virtue of this act obtain any judgment, or againſt whom any judgment ſhall be obtained, before any juſtices of the peace out of ſeſſions for ſuch tythes or other eccleſiaſtical dues or compoſitions, may cauſe or procure the ſaid judgment to be enrolled at the next general quarter ſeſſions to be holden for the ſaid county, county of a city, or county of a town; and the clerk of the peace for the ſaid counties reſpectively is hereby required upon tender thereof to enroll the ſame; and that he ſhall not aſk or receive for the enrolment of any one judgment any fee or reward exceeding one ſhilling; and that the judgment ſo enrolled, and ſatisfaction made by paying the ſum ſo adjudged, ſhall be a good barr to conclude the ſaid rectors, vicars, and other perſons, from any other remedy for the ſaid tythes or other eccleſiaſtical dues or compoſitions, for which the ſaid judgment was obtained.

Judgment ſhall be inrolled next ſeſſions.

Fee 1s.

Bar to other remedy.

IX. And be it further enacted by the authority aforeſaid, That if any perſon or perſons, againſt whom any ſuch judgment or judgments ſhall be had as aforeſaid, ſhall remove out of the county, county of a city, or county of a town, after judgment had as aforeſaid, and before the levying the ſum or ſums thereby adjudged to be levyed, the juſtices of the peace, who made the ſaid judgment, or one of them, ſhall certify the ſame under his or their hands and ſeals to any juſtice of the peace of ſuch other county, city, or place, wherein the ſaid perſon or perſons ſhall be inhabitants; which ſaid juſtice is hereby authorized and required by warrant under his hand and ſeal to be directed to the conſtables or church-wardens of the place, or one of them, to levy the ſum or ſums ſo adjudged to be levyed as aforeſaid upon the goods and chattels of ſuch perſon or perſons, as fully as the ſaid other juſtices might have done, if he, ſhe, or they had not removed as aforeſaid; which ſhall be paid according to the ſaid judgment.

on removing to another county after judgment, the juſtices ſhall certify it to any juſtice thereof, who ſhall direct to be levied as aforeſaid.

X. Provided always, and be it enacted by the authority aforesaid, That no vicar or other person shall have power by this act to recover such tythes or other dues aforesaid, which became or were due before the making of this act, unless complaint be made to the justices of the peace in form aforesaid before the twenty fourth day of June, which shall be in the year of our Lord one thousand seven hundred and twenty eight.

XI. And be it declared and enacted by the authority aforesaid, That the said justices of the peace, who shall hear and determine any matters aforesaid, shall have power to give costs not exceeding ten shillings to the party prosecuted, if they find the complaint to be false and vexatious; which costs shall be levyed in manner and form aforesaid.

if complaint vexatious, costs not above 10s.

XII. Provided also, and be it further enacted by the authority aforesaid, That if any person or persons shall be sued for any thing done in execution of this act, and the plaintiff in such suit shall discontinue his action, or be nonsuit, or a verdict pass against him, that then in any of the said cases such person or persons shall recover double costs.

double costs to persons sued for executing this act, on nonsuit, &c.

XIII. Provided always, That any clerk or other person or persons, who shall begin any suit for recovery of such tythes or other ecclesiastical dues, not exceeding the value of forty shillings, in his Majesty's court of Exchequer, or in any the ecclesiastical courts, shall have no benefit by this act, or any clause in it, for the same matter for which he or they have so sued.

if suit begun for such tithes in Exchequer or court ecclesiastical, no benefit by this act for same matter.

XIV. Provided always, and be it further enacted by the authority aforesaid, That this act shall continue in force for the space of three years, and from thence to the end of the then next session of Parliament, and no longer.

Continuance 3 years.
Continued
5 G. 2. c. 6.
7 G. 2. c. 7.
23 G. 2. c. 4.
25 G. 2. c. 6.
and 27 years from 25 March 1754
28 G. 2. c. 2.

CHAP.

A. D. 1728.

CHAP. XIII.

An act for explaining and amending several laws made for amending the highways and roads in this kingdom; and for the application of the fines thereby.

WHEREAS, notwithstanding the many good laws already made for the amending and repairing the highways in this kingdom, several things are by experience found to be yet wanting to attain the end intended by the said laws; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That from and after the eighth day of May one thousand seven hundred and twenty eight no presentment shall be made for making or repairing any highways, causeways, causes, toghers, or roads within this kingdom, or for raising any money to make or repair the same, but at the assizes to be holden for the county, where such highways, causeways, causes, toghers, or roads so to be repaired or amended lye; and that no such presentment shall be made at any general quarter-sessions, except at the general quarter-sessions to be held for the county of Dublin, and for the county of the city of Dublin, where such presentments may be made as heretofore hath been used; any thing herein contained to the contrary notwithstanding.

11, 12, 13 *J.* 1. 7. 4 *Anne* 6. 9 *Anne* 9. 13 *G.* 1. c. 9. 33 *G.* 2. c. 8. The laws for repairing highways ineffectual.

No presentment for roads except at assises:

but at general quarter-sessions for Dublin.

II. And be it further enacted by the authority aforesaid, That the time for naming and appointing overseers of the highways within the respective parishes in this kingdom shall be on the Tuesday or Wednesday next after Michaelmas-day in every year; and that the overseers then to be named and appointed shall and may have, use, and execute such and the like powers and authorities, as overseers of the highways named and appointed on the Tuesday or Wednesday in Easter-week did or could lawfully use and exercise; any former law, usage, or custom to the contrary thereof in any wise notwithstanding; and that a vestry shall be called and held yearly in every parish on the Tuesday or Wednesday after Michaelmas-day for that purpose: and if the parishioners of any parish or parishes shall fail or neglect at the time aforesaid to name and appoint such overseers, it shall and may be lawful to and for the grand jury at the quarter-sessions, or, in case of their neglect, to and for the grand-jury at the next assizes held for the said respective counties, where such default of neglect shall be, to nominate and appoint overseers of the high-

Time for appointing overseers, Tuesday or Wednesday after Michaelmas yearly,

at vestry;

on failure of parishioners, by grand-jury at sessions.

4 *Anne* 6. on their default grand-jury at assizes, 33 *G.* 2. c. 8. two justices of peace.

ways,

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and may apply the ſix days labour.

ways, and order and apply the ſix days labour in ſuch manner, as the pariſhioners or the overſeers of the highways of the ſaid reſpective pariſhes might or ought to have done.

III. And foraſmuch as it has been found by experience, that the roads made or intended by and under the direction of ſkilful and practiſed therein are much better and more laſting, than ſuch as are made by the ordinary workmen and labourers without ſuch inſtruction and direction: be it enacted by the authority aforeſaid, That in every preſentment to be made by the grand jury for the amending or repairing any highway, cauſeway, cuſh, togher, or road, it ſhall and may be lawful to and for ſuch grand jury in every ſuch preſentment to nominate and appoint ſome able, knowing, and ſkilful perſon, to be the overſeer or director of the ſaid work ſo preſented to be done; and in ſuch preſentment to name and appoint ſuch wages or ſalary for ſuch ſurveyor or director, as to the ſaid grand jury ſhall ſeem meet and reaſonable; ſo as ſuch wages or ſalary do not exceed two ſhillings and ſix pence *per diem*; which ſaid ſalary or wages to ſuch director or ſurveyor ſhall be raiſed and paid in ſuch manner, as other publick county-charges are raiſed and paid: and if it ſhall happen, that more preſentments than one ſhall be made for the repairing and amending any highways, cauſeways, caſhes, toghers, or roads, which ſhall be ſo near to each other, as that the ſame ſurveyor or director can conveniently attend and look after the ſame, it ſhall and may be lawful to and for the ſaid grand jury to appoint the ſame perſon to direct the ſaid ſeveral roads or works; ſo as ſuch ſurveyor or director ſhall have no other or greater wages or ſalary for the ſame by the day, than he ſhould or might have for his attendance and care of one ſuch work or road only: and that it ſhall and may be lawful for the pariſhioners of every pariſh in their veſtry, when they appoint the overſeers of the highways, in like manner to appoint a director with wages as aforeſaid, not exceeding two ſhillings and ſix-pence *per diem*, to be raiſed as other pariſh ceſſes and charges are raiſed, ſo as the ſum to be raiſed for ſuch director does not exceed the ſum of forty ſhillings in any one year.

In preſentment for repairing highways, grand-jury may appoint a skilful director,

ſalary not above 2 s. and 6 d. *per diem*;

and to direct ſeveral roads, if near each other,

at the ſame ſalary.

Pariſhioners in veſtry may appoint director,

the like ſalary, ſo as not above 40 s. in one year.

IV. And whereas carts and wains are very rarely uſed in this kingdom: be it enacted by the authority aforeſaid, That every perſon or perſons for every plow-land in tillage or paſture, that he, ſhe, or they ſhall occupy, and every other perſon or perſons keeping a draft or plow, and ſo in proportion for every part of a plow-land, draft, or plow, ſo as it be not leſs than one fourth part, eſtimating one car and horſe to be equal to two men, ſhall find and ſend at every day and place to be appointed for the amending of the highways, cauſeways, caſhes, toghers, and roads,

For every plowland in tillage or paſture, and keeping a draft or plow, and ſo in proportion (ſo as not leſs than 1 4th.) ſhall be ſent every day 1 cart with 2 horſes, and 2 men, or

roads, according to the intent and meaning of this act, one cart with two horſes and two men, or two carrs with wheels and two men, and, in ſuch places where wheel-cars are not uſed, three ſlide-cars and two men, or three horſes with creels or cleeves with two men; which carrs ſhall be either boxed or fitted with ſufficient baſkets or other conveniencies to carry gravel or other neceſſaries for the repair of ſuch highways, cauſeways, cashes, toghers, and roads, to be allowed and approved by the director or overſeers appointed for that purpoſe, there to remain and work during the ſaid ſix days, if thereunto required by the ſaid overſeers, for the ſpace of eight hours in every day; and ſuch cars and horſes, or horſes with creels or cleeves as aforeſaid, ſhall be deemed and taken as ſufficient, as if ſuch perſon or perſons had ſent one wain or cart with oxen or horſes, as by the ſtatute made in the eleventh, twelfth, and thirteenth, years of the late King James the firſt is directed and appointed.

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2 wheel or 3 ſlide-carrs and two men, or 3 horſes with cleeves and 2 men.

Said carrs to have baſkets for gravel: to work 8 hours each of the 6 days, if required: which as ſufficient as if wains ſent as by 11, 12, 13 *W.* 1. 7.

V. And whereas it has been doubted, whether herds, graſs-keepers, ſhepherds, or bailiffs, are not exempted, as being hired ſervants, from doing the ſix days labour: be it enacted by the authority aforeſaid, That all and every herd, graſs-keeper, ſhepherd and bailiff, not being a menial ſervant living in the houſe of his or their maſter, ſhall by himſelf or ſome ſufficient labourer do and perform the ſix day labour in ſuch manner, as other houſholders, cottagers, or labourers, are by the laws of this kingdom obliged to do.

Herds, bailiffs, *&c.* not being menial ſervants living in the houſe, ſhall do 6 days labour.

VI. And whereas, if the laws now in force were duly put in execution, and the ſix days labour duly exacted and rightly applied, the highways of this kingdom might be kept in better repair, and leſs money raiſed than hath been hitherto for the doing thereof, be it enacted by the authority aforeſaid, That the overſeers, as well thoſe choſen by the reſpective pariſhes, as thoſe appointed by the reſpective grand-juries as aforeſaid, ſhall and may have power to appoint the times and places, when and where the ſix days labour ſhall be employed, ſo as the time ſo to be appointed by them be between the laſt day of April and firſt day of Auguſt, and ſhall and may by writing under their hands, directed to the reſpective conſtables of the ſeveral pariſhes, require the ſeveral perſons therein named to attend them at the times and places therein mentioned, to do and perform the ſix days labour according to the aforeſaid ſtatute made in the reign of the ſaid King James the firſt: and if any conſtable or conſtables ſhall neglect or fail duly to ſummon the ſeveral perſons named in ſuch order or writing, every ſuch conſtable ſo offending ſhall forfeit for every ſuch fault or neglect a ſum not exceeding twenty ſhillings; and

Overſeers may appoint times and places, between laſt of April and 1ſt of Auguſt;

and direct conſtables to require attendance to 6 days labour.

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every perſon ſo ſummoned, who ſhall fail or neglect by himſelf, or by a ſufficient labourer in his place, to attend according to ſuch order or ſummons, and to work during the time aforeſaid, ſhall forfeit for every ſuch offence the ſum of one ſhilling *per* day for every day he ſhall ſo fail or neglect; and every perſon, who ought to ſend or bring a cart or carts, car or cars, horſe or horſes, and, being duly ſummoned, ſhall fail or neglect to ſend or bring the ſame, or, if being ſent or brought, they ſhall not work during the time aforeſaid, ſhall forfeit for every cart with two horſes and two men the ſum of four ſhillings *per* day for every day he ſhall ſo fail or neglect; and for every car with one man two ſhillings *per* day as aforeſaid; and for every three ſlide cars and two men, or three horſes with creels or kiſhes and two men, four ſhillings *per* day as aforeſaid, and proportionably for every horſe or man ſo neglected to be brought or ſent, or not working, as aforeſaid.

Penalty on conſtable neg.

Penalties for not attending when ſummoned, or not ſending carts, &c.

VII. Provided nevertheleſs, That if the ſaid overſeers or director ſhall agree with any one or more of the perſons, ſo bound to do ſix days labour as aforeſaid, to do and perform any certain quantity or portion of the ſaid work in lieu of the ſix days labour for that year, which they are hereby impowered to do, that the perſon and perſons, doing and performing the work ſo agreed on according to the good liking of the ſaid overſeers or director, ſhall be freed and diſcharged from any further work during the reſt of the ſaid ſix days; any thing herein or in any other law to the coutrary notwithſtanding.

Agreement to do a certain part in lieu of ſix days labour diſcharges therefrom.

33 G. 2. 8. *where agreement not performed in ten days.*

VIII. And for the effectual levying the ſaid penalties herein before mentioned be it enacted by the authority aforeſaid, That upon complaint to be made by the director (if there ſhall be a director) or by the overſeers, or one of them, in caſe there ſhall be no ſuch director, to one or more of the neighbouring juſtices of the peace of any of the offences aforeſaid, and proved by the oath of ſuch director, overſeer, or ſome other credible witneſs, ſuch juſtice or juſtices of the peace upon ſuch complaint and oath made ſhall by his or their warrant call the offender or offenders before him or them, and on default of appearance, or on conviction, ſuch juſtice or juſtices of the peace ſhall cauſe the reſpective penalties to be levied by ſale of the offenders goods, or a ſufficient part thereof, as in ſuch caſes is uſual, reſtoring the overplus, if any be, to the owner of ſuch goods; and if ſuch offender or offenders have not ſufficient goods, whereout the aforeſaid reſpective penalties can or may be levied, then and in ſuch caſe it ſhall and may be lawful to and for the ſaid juſtice or juſtices of the peace, before whom ſuch complaint as aforeſaid ſhall be made, and ſuch juſtice and juſtices are hereby required, to commit

On complaint by director or an overſeer, and proof, a juſtice may by warrant ſummon offender, and levy penalties by ſale,

or, if no goods, commit to goal, &c.

mit such offender or offenders to the county goal, there to remain without bail or mainprize until he or they shall pay the fine and fines, for which he or they shall be so committed as aforesaid, or to send such offender or offenders to the house of correction, there to remain for any time not exceeding the space of fourteen days: provided such complaint be made within forty eight hours after the respective offences are committed, and not otherwise: and if the said director or overseers respectively shall omit or neglect to complain within the time aforesaid of all or any of the offences aforesaid, which shall be committed by any person or persons under his or their direction and inspection, and of which he or they shall have due notice or knowledge, such director or overseers so offending therein, and being thereof lawfully convicted before one or more justice or justices of the peace, shall for every such offence forfeit the sum of twenty shillings; to be levied and raised in such manner as the before mentioned fines or penalties are hereby directed to be levied and raised, so as proof of such neglect or omission be duly made upon oath within twenty days after such neglect or omission.

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if complaint in 48 hours. 33 *G.* 2. 8. *enlarged to* 10 *days.*

Omitting to complain, on notice, penalty 20*s.* if proved in 20 days. *further penalty on overseers,* 33 *G.* 2. 8.

IX. And be it further enacted by the authority aforesaid, That all highways, causeways, cashes, toghers, or roads, to be repaired and amended in pursuance of and according to the direction of this or any former act, shall be paved or well and sufficiently covered with gravel twelve foot in breadth at the least;

Roads, *&c.* to be paved or gravel'd, 12 foot in breadth.

and if it shall appear by the oaths of two credible and substantial persons, that any road or roads, which shall be presented to be amended or repaired, cannot be repaired before the next assizes following by the six days labour only, then and in such case, and not otherwise, it shall and may be lawful for the grand jury making such presentment to present so much mony for the doing thereof, as shall be judged necessary, over and above the six days labour to be applied thereto; which presentment shall be made, and the money raised thereupon, in such manner as has been heretofore used.

On oaths of 2 persons that the road cannot be repaired before next assises by 6 days labour only, grand-jury may present over and above. *Repealed* 33 *G.* 2. 8.

X. And be it enacted by the authority aforesaid, That when and as often as it shall happen, that the six days labour of any parish shall not be presented to be applied to any highways, causeways, cashes, toghers, or roads, lying within such parish, it shall and may be lawful to and for the grand jury at the assizes to present the said six days labour to be applied to any other road or highway out of the said parish, so as no person within such parish shall be obliged to go, or to send any cart, wain, car, horse, or man, more than three miles to such work or labour from his dwelling-house or place of abode; which six days labour, so presented to be done out of the said parish, shall be done and performed in such manner, and under such penalties, as if the said work so presented were to be done within the said parish;

Six days labour not being applied may be presented at assises to be applied out of the parish;

so as none obliged to go or send above three miles.

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parish; any former law or usage to the contrary notwithstanding.

Parish-tools kept in a publick place in order at expence of each parish.

XI. And be it enacted by the authority aforesaid, That all parish-tools already provided, or hereafter to be provided, for the repairing or amending the highways or roads shall be kept in some proper and convenient publick place belonging to each parish, and that such tools shall from time to time be repaired and kept in order at the expence of each respective parish.

9 *Anne* 9. Overseers shall account at every assises in writing, as to the highways, *&c.*

9 *Anne* 9.

XII. And be it enacted by the authority aforesaid, That the overseers af all highways, causeways, cashes, toghers, and roads, which shall be hereafter amended or repaired, shall at every assizes give in an account in writing, setting forth what highways or roads have been amended or repaired within their respective parishes or districts since the last foregoing assizes, how much the same contains in length and breadth, and where the same begins and ends, and in what manner the same hath been repaired, whether the same has been paved or gravelled, how many days the director attended the same, and what money hath been expended or laid out thereupon, and to whom the same has been respectively paid; of the truth of which account the said respective overseers shall make oath by an affidavit to be sworn before the judge or judges of assize, and to be thereunder written or annexed thereto.

and annex affidavit before the judge.

Constable shall first make oath before a justice truly and without favour, *&c.* to do his duty:

penalty, 20 s.

XIII. And be it enacted by the authority aforesaid, That the constable of each respective parish shall, before he enters upon his office, make oath before some justice of the peace in the parish, where he lives, or some neighbouring parish, that he will honestly, truly, and indifferently, do, perform, and execute his duty in all things required by this act without favour or affection, malice, or ill will to any person or persons whatsoever; and on failure so to do shall forfeit the sum of twenty shillings, to be raised and levied, as the fines and penalties upon labourers are by this act to be raised and levied; and the justice of the peace, before whom such oath shall be taken, shall give a certificate thereof to the person taking the same without fee or reward: and, if any parish or parishes shall be so large, that one constable shall not be sufficient to do the whole office of a constable within the said parish or parishes, it shall be lawful to make and appoint two or more constables for such parish or parishes in such manner, as such one constable was formerly appointed for the same; which said new constable or constables shall have such and the same power and authority, as any other constable hath, or by the laws of this realm ought to have.

Certificate of oath without fee.

in large aprishes more constables may be appointed.

XIV. And to prevent the misapplication of publick money to be raised for the repairing or amending of the highways, causeways,

causeways, cashes, toghers, or roads, and for the more speedy and effectual raising and levying the same, be it enacted by the authority aforesaid, That the treasurer of each respective county shall and may at every assizes demand from the clerk of the crown a copy or copies of all presentments made for the amending or repairing roads at that assizes; which said copy or copies so demanded the said clerk of the crown shall and is hereby required forthwith to make out, and give to the said treasurer, signed by him, and certified to be a true copy or copies of such presentment or presentments, without fee or reward; and if he shall fail or neglect to make out and give such copy or copies so signed and certified as aforesaid to such treasurer, within four days after the same shall be so demanded as aforesaid, he shall forfeit the sum of five pounds; and on refusal to pay the same, he shall by the next going judge or judges of assize for the same county, upon complaint and oath made of such neglect or failure by the said treasurer, be committed to the county goal, there to remain without bail or mainprize till he pays the same.

Clerk of crown at assises shall without fee give the treasurer on demand copies of presentments signed and certified: penalty, on neglect 4 days after demand, 5 l. and on oath of non-payment shall be committed.

XV. And be it enacted by the authority aforesaid, That the treasurer of every county, having such copies of the presentments signed and certified as aforesaid, may and shall thereupon make and issue his orders for levying and collecting the several sums of money so presented; which shall be thereupon levyed and collected in the same manner, as money so presented hath usually been done, and shall be paid to such treasurer by the person and persons so levying and collecting the same; and the said respective treasurers are hereby required not to pay the same to any overseer or overseers, until the work, for which such presentment was made, be compleated and finished, and oath thereof made by such overseer or overseers before the judge or judges of assize for the time being: but if it shall happen that part only of the said work shall be done, and the whole is not likely to be finished before the following assizes, in such case it shall and may be lawful to and for the said treasurers to pay to such overseer or overseers so much of the said money, as the work so done shall amount unto, upon oath made thereof by such overseer or overseers, and order made thereupon by two justices of the peace, before whom such oath shall be made as aforesaid; and in such case such affidavit and order, and the receipt of such overseer or overseers endorsed thereon, shall be to the treasurer a sufficient warrant and voucher for such payment.

Treasurer then shall issue orders to levy the money: not to pay to overseers till work done and oath thereof at assises: if part done may pay so much, on oath thereof, and order by two justices.

XVI. And be it enacted by the authority aforesaid, That from and after the eighth day of May next ensuing, no money shall be raised on any county or barony upon any presentment to be made at any general quarter-sessions to be held for any county

No presentment at sessions but for houses of correction, except for Dublin and the county. 3 *G.* 2. 5. *explained.*

A. D. 1727. Chap. 13.

county (except for the county of Dublin, and the county of the city of Dublin) but for the use of the houses of entrochess and the keepers thereof.

Two justices may forthwith repair roads by accident greatly out of repair and dangerous,

XVII. And be it enacted by the authority aforesaid, That where it shall happen that any road by any sudden or other accident is become so greatly out of repair, that passengers cannot pass the same without imminent danger, it shall and may be lawful to and for two or more justices of the peace living near the same upon view thereof, or other sufficient proof by two substantial credible persons, forthwith to cause the same to be amended, and by their warrant under their hands and seals, to levy and raise any sum, not exceeding the sum of forty shillings for the doing thereof, in such manner as money is usually levied by presentment and order of the judges of assize for amending the highways; any thing therein or in any other law to the contrary notwithstanding.

and levy 40 s. as presentments.

Where plowlands not ascertained, as by 9 Anne 9. grand-juries shall ascertain it:

33 G. 2. 8. 100 *acres, till ascertained.*

XVIII. And forasmuch as in some counties in this kingdom it has not been ascertained, how the word plow-land is to be construed and taken, and the time for doing thereof, appointed by the act made in the ninth year of the reign of the late Queen Anne, is expired, so that the grand juries of such counties cannot ascertain the same: be it enacted by the authority aforesaid, That in every county, where the same has not been ascertained, the grand juries of such counties shall and are hereby required and impowered to ascertain the same, and execute the same powers for that purpose are mentioned in the said former act; and in case the said plow-lands shall not be ascertained by presentment of the grand juries, to be confirmed by the judge or judges of assize in the manner directed by the said act, in the said respective counties within the said term of three years, to be computed from the first day of May one thousand seven hundred and twenty eight, then and in such case the judges at the next summer assize after the said three years, shall and are hereby required to impose and lay a fine of one hundred pounds on each and every county, which shall neglect to ascertain the said plow-lands as aforesaid; and the judges at every succeeding summer assizes shall lay the like fine of one hundred pounds on each and every of the said counties so neglecting as aforesaid, until the said plow-lands shall be ascertained as aforesaid; which fine and fines shall from time to time be duly estreated into his Majesty's court of Exchequer, and levyed by the usual process of the said court; the said several sums to be paid to the treasurers of the respective counties, who shall apply the same towards repairing and amending the highways, causeways, cashes, toghers, and roads in the said counties respectively.

If not done in 3 years, the county shall be fined 100 l. every summer assizes till ascertained,

said fines to be estreated and paid to treasurers for the high-ways.

XIX. And

XIX. And whereas the highways and roads are in many places too narrow, be it enacted by the authority aforesaid, That all highways or roads, hereafter to be set out, shall be at least thirty foot broad in the clear, exclusive of the ditches; and that all roads already inclosed, which are not of the breadth of twenty one feet in the clear, shall and may upon the presentment of the grand jury, and order of the judges of assize thereon, be enlarged to the breadth aforesaid, and the inclosure or inclosures, which hinder the same, be thrown down and abated by the sheriff of the county as a nuisance or nuisances: provided it appear to such grand jury, by the oaths of two substantial and credible persons at the least, that the said roads are not of the breadth of twenty one feet in the clear as aforesaid: and provided also that the person or persons, whose inclosure or inclosures is or are to be thrown down and abated as aforesaid, have due notice of such presentment, and a copy thereof, within six weeks after such presentment made, and that such presentment be not confirmed until the ensuing assizes after such notice given as aforesaid.

Roads hereafter set out, 30 feet broad in the clear:

Roads already inclosed, and not 21 feet in the clear, may on presentment and order at assizes be enlarged to breadth aforesaid, and inclosures abated by sheriff as nusances:

Owner having due notice of the presentment, and a copy in six weeks, and presentment not confirmed till ensuing assizes.

XX. And be it enacted by the authority aforesaid, That if at any time or times hereafter any person or persons shall change or alter, or cause to be changed or altered, any road, that now is, or hereafter shall be, a publick road or highway, not being first authorized so to do by due course of law, such person and persons shall upon complaint and due proof thereof made before the judge or judges of assize for the county, where such road or highway so changed or altered lay, before it was so changed or altered, forfeit the sum of five pounds, to be raised by distress and sale of the offenders goods, by virtue of a warrant under the hand and seal of the judge or judges of assize, who shall hear the said complaint, returning the overplus, if any, to the owner of such goods: provided always, that such person or persons shall have notice in writing of such complaint, so intended to be made, at least six days before the same shall be made; such notice to be personally given or left at his or their dwelling-house or houses in manner herein before mentioned; which fine or forfeiture, and all other fines, penalties, and forfeitures mentioned in this act, except the before mentioned fines of one hundred pounds to be laid on the several counties herein before mentioned, shall not be estreated into his Majesty's court of Exchequer; but, when levyed, shall be paid to the treasurer of the proper county, to be applyed for repairing and amending the highways, causeways, caushes, toghers, and the roads in each respective county.

Persons altering publick road, without authority, shall on proof at assises forfeit 5l. by distress, on the judge's warrant.

Six days notice of the complaint shall be given in writing.

Penalties in this act (except said fines of 100l.) shall not be estreated into Exchequer but paid to treasurers for the highways.

XXI. And be it enacted by the authority aforesaid, That at the end of every assizes the clerk of the crown shall make an estreat

Clerk of crown at end of assises shall

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eſtreat of all fines, forfeitures, and penalties, laid, impoſed, or incurred, for or by reaſon of any offence or offences mentioned in this act, and keep the ſame among the records of the ſaid county, and cauſe a copy thereof fairly written, to be fixed on the doors of the court-houſe of the ſaid county.

make eſtreat of fines, to be kept among the records, and a copy fixed on court-houſe doors.

XXII. And be it enacted and declared by the authority aforeſaid, That all former laws already made for the amending or repairing highways, cauſeways, caſhes, toghers, or roads, or any or either of them, and not already expired, and every clauſe therein, are, and ſhall be, and ſtand in full force, except ſuch part or parts thereof as is or are amended, altered, or changed by this act.

All former laws as to highways (not expired or hereby altered) ſtand in force.

XXIII. Provided, That this and all former laws made for the amending or repairing the highways, cauſeways, caſhes, toghers, or roads, and each of them, ſhall extend, and be conſtrued and taken to extend, to counties of cities, and counties of towns, as well as to the other counties of this kingdom.

Extended to counties of cities and towns.

XXIV. And be it enacted by the authority aforeſaid, That this act ſhall be publickly read in open court before the judges of aſſize at the ſummer and Lent aſſizes, and at the four quarter-ſeſſions to be held in and for every county next enſuing the end of this preſent ſeſſion of Parliament.

Publickly read at aſſiſes and ſeſſions.

XXV. And whereas the navigation of ſeveral rivers, loughs, and lakes in the county of Gallway, and county of the town of Gallway, is much incommoded by ſtones, ſtumps of trees, and other rubbiſh lying in ſuch rivers, loughs, and lakes, which might be removed by the ſix days labour of the adjacent pariſhes, which pariſhes lye remote from the high roads, or little or no part of the ſix days labour is made uſe of or employed in repairing any high road, and neither the pariſhioners of the ſaid pariſhes, or the grand jury of the ſaid county, have any power to apply the ſix days labour to the removal of ſuch ſtones, ſtumps of trees, or rubbiſh: be it therefore enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the grand jury of the ſaid county of Gallway, and county of the town of Gallway, in which the ſaid pariſhes reſpectively lye, and in which pariſhes there are not any high roads, or that the pariſhioners of ſuch pariſhes do not apply the ſix days labour to the highways in manner herein before directed, to order, direct, and apply the ſix days labour of the ſaid pariſhes to the amending and repairing the banks of the ſaid rivers, and to the taking, removing, and carrying away ſuch ſtones, ſtumps, and rubbiſh, as ſhall be found in ſuch rivers, loughs, and lakes, which annoy or obſtruct the navigation therein, and alſo to appoint a director to ſuperviſe and inſtruct the workmen and labourers in the ſaid work;

Grand juries in county of Galway, where pariſhes remote from highways, or the 6 days labour not applied, may apply it to repairing banks, and removing rubbiſh obſtructing the navigation.

and appoint a director,

and that the performance thereof ſhall be inforced in ſuch manner, as the ſaid grand jury can or may apply the ſix days labour of thoſe or any other pariſhes to the repairing or amending the highways, and as the doing thereof may be inforced by virtue of this or any other act of Parliament.

and order 4 labourers to be ſent inſtead of cars and horſes.

XXVI. Provided, That it ſhall and may be lawful to and for the ſaid grand jury of the ſaid county of Gallway or county of the town of Gallway reſpectively to order and appoint every perſon within the ſaid county or county of a town, who by this or any other law is obliged to ſend two cars and two horſes and two men, or three cars and two men, or three horſes and two men, to ſend four men or labourers to work at the ſaid rivers, loughs, or lakes, inſtead of the ſaid cars, horſes, and men; and ſo in proportion for a leſs number of cars, or horſes and men.

Mill-ſtones drawn on roads muſt not touch the ground, or the horſes may be ſent to pound till proper carriage provided, or 5 s. paid to a juſtice for the roads.

XXVII. And whereas the common way of drawing mill-ſtones from one place to another in ſome counties is found to be very deſtructive to cauſeways and bridges, and often dangerous to thoſe who conduct them, and to thoſe that meet them when on motion in narrow roads: be it enacted by the authority aforeſaid, That from and after the firſt day of May, which will be in the year of our Lord one thouſand ſeven hundred and twenty nine, whoſoever ſhall have occaſion to draw any mill-ſtone through any publick road, ſhall be obliged to ſupport and keep the ſame from touching the ground: and if any perſon ſhall after the ſaid firſt day of May one thouſand ſeven hundred and twenty nine preſume to draw any ſuch mill-ſtone through any publick road in any other manner, it ſhall and may be lawful for any perſon to ſtop the ſame upon ſuch road, and to drive the horſes, that draw the ſame, unto the next pound, and there to keep them until ſuch time as the owners or conveyors of ſuch mill-ſtone ſhall provide proper carriage for carrying away the ſame, in ſuch manner as is before mentioned, or pay unto one of his Majeſty's juſtices of the peace within the county, where ſuch mill-ſtone ſhall happen to be ſtopped, the ſum of five ſhillings towards keeping the publick roads in good repair.

A. D. 1727.

CHAP. XIV.

An Act for explaining and amending an act, intituled, *An act for reviving and amending an act,* intituled, *An act for recovery of small debts in a summary way before the judges of assize.*

2 G. 1. 11. 8 G. 1. 6. 31 G. 2. 16. *extended to Dublin.*

WHEREAS by an act passed in the second year of the reign of his late Majesty King George the first of glorious memory, intituled, *An act for reviving and amending an act,* intituled *An act for recovery of small debts in a summary way before the judges of assize,* it is enacted, "That the judges of assize in their re-

Recital of 2 G. 1. 11. *Sec.* 1.

"spective circuits should and might hear and determine, in a "summary way by an English bill, or paper petition in English, "all manner of disputes or differences between party and party, "for any sum, not exceeding the sum of ten pounds, in all actions "of debt, actions of *assumpsit*, and *insimul computasset*, and the "sum of five pounds in all actions of trover and conversion, "*quantum meruit*, actions of trespass, or detinue for goods or "chattels taken or detained:" and whereas the said act has been found by experience to be highly beneficial to the subject, and would be still more advantageous, if extended to a larger sum:

Beneficial to extend the same.

therefore be it enacted by the King's most excellent Majesty by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the said judges or justices of assize, or any of them, in their respective circuits, and to and for his Majesty's judges or council learned in the law, who with the justices of the peace of the county of Dublin shall hold the general quarter-sessions of the peace for the said county at the said sessions, and they are hereby impowered to hear and determine on such English bill, or paper petition in English as aforesaid, any dispute or difference betwixt party and party for any sum not exceeding the sum of twenty pounds in all actions of debt on any bond, bill, or specialty, for payment of money only, or actions on the case on any promissary note, or inland bill of exchange, and to make such decrees, and to issue such process and execution in such and the same manner, and under such fees, regulations, and directions, and with like benefit of appeal, and remedy against witnesses and against sheriffs for neglect of their duty, as in and by the said recited act is limited, directed, and appointed, in relation to the actions therein mentioned.

The judges may determine any sum not above 20 l. in *Debt* on bond, bill, or specialty for money only, or *Case* on promisary note or inland bill, and decree, *&c.* as by said act.

II. Provided always, and be it enacted by the authority aforesaid, That when any person or persons shall in manner aforesaid demand

demand or sue for any sum exceeding ten pounds, the defendant, or in his absence, if he is not then out of the kingdom, his wife, son, daughter, or any other relation or servant of the age of sixteen years, and dwelling in his house, shall be served with process by shewing the original, and leaving a copy thereof with him, her, or them, twelve days inclusive before the first day of the assizes or sessions, at which such process is returnable. A. D. 1727. Chap. 14.

If above 10 l. process must be served 12 days inclusive before first day of assizes.

III. And be it further enacted by the authority aforesaid, That no decree shall be made by virtue of any warrant of attorney to confess judgment on any bond entred into for the payment of a sum determinable by this or the said former act, unless process be served on the person so bound, as in other cases is directed; and that in every such case the defendant shall be at liberty to make and have the benefit of every defence he could have had either in law or equity.

No decree on warrant of attorney to confess judgment on bond, unless process served.

Benefit of every defence in law or equity.

IV. And whereas it is by the said former act enacted, "That "any person, who should conceive himself aggrieved by any de- "cree, and should not enter into a recognizance before the judge "or judges of assize, as by the said act is directed in case of an "appeal, might deposite the money decreed against him in the "hands of the sheriff, and enter into a bond of five pounds, with "condition to perform and abide the decree of the next coming "judge or judges of assize:" and whereas it has been often found, that the sheriff, with whom the money has been deposited, though the said decree has been affirmed, neglected to pay over such money to the party so recovering, which has often put the party to a fresh suit and farther expence: and whereas the sheriffs have frequently received money upon executions founded on such decrees or dismissions, and have neglected to pay over the same to the party intitled thereto: for the prevention therefore of such mischief for the future, be it enacted by the authority aforesaid, That any sheriff, who hereafter shall neglect to pay over the sum so deposited with him by virtue of this or the said former act, or shall refuse or neglect to pay over any sum levied by virtue of any execution of such decree or dismission to the person or persons intitled thereto, or to such person or persons as by him or them shall be lawfully authorized to receive the same upon demand made for that purpose, such sheriff so offending shall forfeit to the party aggrieved double the sum so deposited with, or received by, such sheriff, together with legal interest for the same from the time of such demand, to be recovered by civil bill before the judges of assize, or before the justices of the quarter-sessions of the county of Dublin, who are hereby impowered to hear and determine the same, in like manner as other sums are made recoverable by this present or the said recited act.

Recital of 2 G. r. 11. Sec. 6.

Sheriff not paying money deposited on appeal, or levied on execution, forfeits double to the party, with interest from demand,

by civil bill.

V. And

A. D. 1717.

V. And be it further enacted by the authority aforesaid, That no decree shall be renewed more than twice without serving process thereon, unless the party obtaining such decree shall by affidavit make it appear to the judge or judges, impowered to renew the same, that he hath used his utmost endeavours to have the said decree executed.

No decree shall be renewed above twice, without process, unless affidavit of utmost endeavours to execute it.

CHAP. XV.

An act for rendering more effectual an act, intituled; *An act for the better enabling of the clergy having cure of souls to reside upon their respective benefices: and for the encouragement of protestant schools within this kingdom of Ireland.*

31 G. 2. 11. WHEREAS by an act of Parliament made in the fifteenth year of our late sovereign King Charles the first, intituled, *An act for endowing churches with glebe lands*, it is enacted, Recital of 15 C. 1. 11. "That any person without licence of *mortmain* may endow "churches having no glebe lands, or not above ten acres of glebe, "with new glebe, so as the glebe of any such church so endowed "do not exceed forty acres at the most:" and whereas very few churches within this kingdom having, since the time of making the said act, and in pursuance of the good design thereof, been so endowed, an act was therefore made in the eighth year of his late Majesty King George the first, intituled, *An act for the better enabling of the clergy having cure of souls to reside upon their respective benefices: and for the encouragement of protestant schools within this kingdom of Ireland:* whereby, amongst other things, it is enacted, & 8 G. 1. 12. Sec. 1. "That for the more effectual promoting of the good design and "intent of the said act, it shall and may be lawful to and for any "person by the above mentioned act qualified to endow, and so "endowing, a church as aforesaid, to reserve unto himself, and "his heirs for ever, such yearly rent out of the lands to be by "him granted, and under such clauses and covenants as shall be "agreed upon between such person so granting the same and the "incumbent of the said church, by and with the consent of the "archbishop or bishop of the diocess, and archbishop of the pro-"vince, in which such church shall be situate; such consent being "signified in writing under his and their archiepiscopal and "episcopal seals respectively:" and whereas no person can endow any church with lands, whereof he is seized in fee-tail, without first barring such entail in due form of law, which in many cases may be expensive and inconvenient: be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual

ſpiritual and temporal and commons in Parliament aſſembled, and by the authority of the ſame, That it ſhall and may be lawful to and for any perſon and perſons, being ſeized of an eſtate tail in poſſeſſion in any lands, by his or their deed or deeds under his or their hands and ſeals to grant ſuch lands as a glebe for the incumbent or miniſter of any pariſh having actual cure of ſouls, in ſuch manner, and under ſuch reſtrictions, as he or they might have done by virtue of the ſaid recited acts, or either of them, if he or they were ſeized of an eſtate in fee-ſimple in ſuch lands, and all grants ſo to be made ſhall be good and effectual in law againſt all perſons claiming under ſuch entail, or by virtue of any remainder or reverſion expectant thereupon. A. D. 1717. Chap. 15.

Tenants in tail in poſſeſſion may grant glebes as they might by ſaid acts if ſeiſed in fee;

3 G. 2. 12. *extended to tenant for life, &c.*

which ſhall be good againſt claimants under intail, remainder, &c.

II. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for any perſon and perſons, who by virtue of this act or of the ſaid recited acts, or either of them, are enabled to make any grant of lands as a glebe for the incumbent or miniſter of any pariſh having actual cure of ſouls, to grant lands to any perſon or perſons, and their heirs, in truſt for any curate or other eccleſiaſtical perſon, having the actual cure of ſouls in any appropriate or impropriate benefice, and their ſucceſſors, in ſuch manner, and under ſuch reſtrictions, as by this act or by the ſaid recited acts, or either of them, are provided concerning grants to be made of land, as a glebe for any ſuch incumbent or miniſter as aforeſaid.

Perſons who may grant glebes to incumbents may in like manner grant lands in truſt for curates and ſucceſſors

III. And be it further enacted by the authority aforeſaid, That if a year's rent of the ſaid lands granted or hereafter to be granted in purſuance of this act, or of the ſaid recited acts, or either of them, ſhall be behind and unpaid by the ſpace of twenty one days, the perſon or perſons, to whom the ſame ſhall be due and payable, may apply to the archbiſhop or biſhop of the dioceſs, who ſhall ſummon the party before him; and if ſuch rector, vicar, curate, or other eccleſiaſtical perſon, who ſhall be ſo in arrear, and ſo ſummoned as aforeſaid, ſhall not make it appear by the oath of one or more witneſs or witneſſes, that ſuch rent hath been paid (which oath the ſaid archbiſhop or biſhop is hereby impowered to adminiſter) the archbiſhop or biſhop ſhall forthwith ſequeſter the profits of ſuch benefice or curacy, where ſuch lands are ſo granted for a glebe as aforeſaid, until the ſaid arrear of rent, and all coſts and charges attending ſuch ſequeſtration, to be aſcertained by the archbiſhop or biſhop of the dioceſs, ſhall be fully paid and diſcharged; and if ſuch arrear of rent, or any part thereof, and the coſts and charges attending ſuch ſequeſtration, ſhall remain unpaid notwithſtanding ſuch ſequeſtration at the death, ceſſion, or removal of ſuch rector, vicar, curate, or other eccleſiaſtical perſon,

If a year's rent of lands ſo granted is in arrear 21 days, the biſhop on application to him ſhall ſummon the perſon, and if he proves not payment, ſequeſter the benefice or curacy, till payment thereof and coſts aſcertained by the biſhop:

if not paid at his death, &c. his ſucceſſor ſhall pay,

A. D. 1727. Chap. 15.

the ſame ſhall be paid by the ſucceeding rector, vicar, curate, or other eccleſiaſtical perſon; and if he ſhall neglect or refuſe to pay the ſame, and every part thereof, for the ſpace of one calendar month next after his admiſſion into ſuch benefice, the archbiſhop or biſhop of the dioceſs upon complaint and proof thereof on oath, which the ſaid archbiſhop or biſhop is hereby impowered to adminiſter, ſhall and may grant a new ſequeſtration, till the ſame and every part thereof be fully paid and diſcharged: and ſuch ſucceeding rector, vicar, curate, or other eccleſiaſtical perſon, ſo paying ſuch arrears of rent, coſts, and charges, ſhall and may recover the ſame from his predeceſſor, his executors or adminiſtrators, by action of debt, in any of his Majeſty's courts of record in Dublin, in which no eſſoin, wager of law, protection, or more than one imparlance ſhall be allowed: and to the intent that ſuch ſucceſſor may not be charged with more than one whole year's rent, reſerved by ſuch grant, for ſuch arrears, ſuch rector, vicar, curate, or other eccleſiaſtical perſon, ſhall annually at the ordinary viſitation, to be held for ſuch dioceſs, exhibit, or cauſe to be exhibited, unto the archbiſhop or biſhop of the ſaid dioceſs, or to his official holding the ſaid viſitation, a ſufficient acquittance in full for all rents and arrears of rent due out of the premiſſes the laſt rent-day before the ſaid viſitation, and prove the perfection of ſuch acquittance by the oath of one witneſs, which oath the ſaid archbiſhop, biſhop, or official, is hereby impowered to adminiſter; and in caſe that ſuch acquittance ſhall not be ſo exhibited and proved, then ſuch archbiſhop, biſhop, or official, is hereby impowered and required to ſequeſter the profits of ſuch benefice, where ſuch lands are ſo granted for a glebe as aforeſaid, and the ſame to keep ſo ſequeſtred, until out of the iſſues and profits thereof he ſhall be enabled to pay all rents and arrears of rent due out of the premiſſes at the rent-day aforeſaid, together with the coſts and charges of ſuch ſequeſtration; which ſaid rent and arrears of rent he is required forthwith to pay and diſcharge.

or a new ſequeſtration.

Succeſſor may recover from his predeceſſor's executors, &c. by action of debt,

and that ſucceſſor may not be charged with more than 1 year,

ſuch eccleſiaſtical perſon ſhall annually at viſitation exhibit and prove acquittance in full,

or the benefice ſequeſtered.

IV. And be it further enacted by the authority aforeſaid, That if ſuch rector, vicar, curate, or other eccleſiaſtical perſon, to whom or for whoſe uſe, ſuch grant ſhall be made as aforeſaid, or his or their ſucceſſor or ſucceſſors, ſhall neglect or refuſe to build or make ſuch improvements, as ſhall be covenanted in ſuch deed of grant, within the time limited therein for the doing thereof, the archbiſhop or biſhop of the dioceſs on information thereof by complaint or otherwiſe ſhall and may ſequeſter ſo much of the profits of ſuch benefice, and for ſo long time as he ſhall judge neceſſary for the making and compleating ſuch building and improvements, and therewith ſhall cauſe the ſame to be ſo made and com-

On neglect to improve, as covenanted in ſuch grant, biſhop may ſequeſter ſo much, and cauſe it to be done.

compleated; and if any rector, vicar, curate, or other eccleſiaſtical perſon, to whom, or for whoſe uſe, ſuch grant ſhall be made, his or their ſucceſſor or ſucceſſors, ſhall have no other benefice, than that to which ſuch lands, ſo to be granted for a glebe as aforeſaid, do belong; ſuch rector, vicar, curate, or other eccleſiaſtical perſon, his or their ſucceſſor or ſucceſſors, ſhall not demiſe or ſet the ſaid lands ſo granted, or any part thereof, to any perſon or perſons whatſoever, but ſhall himſelf hold and occupy the ſaid lands and every part thereof; and if ſuch rector, vicar, curate, or other eccleſiaſtical perſon, ſhall happen to have another benefice, then and in ſuch caſe the curate officiating in his abſence ſhall enjoy the full benefit of ſuch lands ſo granted for a glebe, and every part thereof, with the improvements thereon, under the rent reſerved, and ſhall hold and occupy the ſame himſelf during the abſence of ſuch rector, vicar, curate, or other eccleſiaſtical perſon, over and above his ſtipend or allowance appointed, or to be appointed, for ſuch curate by the archbiſhop or biſhop of the dioceſs.

If ſuch perſon has no other benefice, he ſhall not demiſe the lands granted for glebe, but occupy himſelf: if he has another, the curate in his abſence ſhall enjoy ſaid glebe, and occupy himſelf, beſides his ſtipend.

V. And be it further enacted by the authority aforeſaid, That every rector, vicar, curate, or other eccleſiaſtical perſon whatſoever, who ſhall hereafter be admitted into any eccleſiaſtical benefice of the yearly value of one hundred and fifty pounds or upwards, having no houſe fit for the reſidence of the incumbent thereof, and being endowed with glebe land lying near his pariſh-church, and being fit and convenient for building, ſhall within a time certain to be limited and appointed by the archbiſhop or biſhop of the dioceſs, after he has been two years in poſſeſſion of ſuch benefice, build and improve upon ſuch glebe land by erecting one dwelling-houſe of ſtone and lime, or brick and lime, and timbered in the roof and in the floors of ſuch dwelling-houſe with oak or firr-timber (bog oak excepted) and covered with ſlates, ſhingles, or tiles; and in caſe any ſuch rector or vicar ſhall neglect or refuſe to make ſuch building and improvement within the time ſo limited as aforeſaid, it ſhall and may be lawful to and for the biſhop of the dioceſs, where any ſuch benefice is ſituate, with the conſent of the archbiſhop of the province firſt had under his archiepiſcopal ſeal, or, if ſuch benefice be within the dioceſs of an archbiſhop, then it ſhall and may be lawful to and for ſuch archbiſhop, with the conſent of the chief governor or governors of this kingdom for the time being firſt had under his or their reſpective hands and ſeals, to ſequeſter a fourth part of the profits of ſuch benefice, till a ſum not exceeding a year and a half's income of ſuch benefice be received; which the archbiſhop or biſhop ſhall cauſe to be laid out in making ſuch building and improvement upon ſuch glebe land as aforeſaid.

If benefice of 150*l.* yearly, and no houſe fit for reſidence, endowed with glebe near the church and fit for building, he ſhall after 2 years poſſeſſion in a limited time build a dwelling-houſe of ſtone, *&c.* timbered with oak or fir, and ſlated, *&c.* 31 G 2. 11. or the biſhop with conſent of archbiſhop, or archbiſhop with conſent of chief governors, may ſequeſter one fourth till a year and a half received, and lay it out thereon.

VI. And

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VI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for every archbishop, bishop, dean, dean and chapter, archdeacon, dignitary or prebendary, having land to them as such respectively belonging near any church, and convenient for a glebe for the said church, not already endowed with ten acres of glebe; (that is to say) every archbishop or bishop, with the consent of his dean and chapter respectively signified by certificate in writing under their common seal; and where there is no dean and chapter, with the consent of the archdeacon and six beneficed clergymen of his diocese signified in writing under their hands and seals; and every dean, dean and chapter, archdeacon, dignitary or prebendary, by and with the consent of the archbishop or bishop of the diocese, signified by certificate in writing under their archiepiscopal or episcopal seal respectively, to grant any quantity thereof, not exceeding twenty acres plantation measure, by any deed or deeds under his or their hands and seals, to be enrolled in the high court of Chancery of this kingdom, to any person or persons, and their heirs, in trust for any such resident curate or curates officiating in any appropriate or impropriate benefice, as is, are, or shall be nominated, appointed, licensed, or admitted for the cure of souls in any such parish or parishes in this kingdom, and their successors, at the moiety of the present yearly rent, or for any greater sum; which rent shall be paid by such resident curate having cure of souls, and his successors, to such archbishop, bishop, dean, dean and chapter, archdeacon, dignitary or prebendary, and his and their respective successors for ever, by four quarterly equal portions; and in case of non-payment, that it shall and may be lawful to and for the said archbishop, bishop, dean, dean and chapter, archdeacon, dignitary or prebendary, his or their successors, to distrain and sue for the same, and all arrears thereof.

Bishops, dignitaries, &c. having land near and convenient for a glebe for such church not endowed with 10 acres, may with consent grant 20 acres by deed enrolled in Chancery in trust for resident curate,

at a moiety of the present rent or above, payable quarterly.

VII. And whereas by an act passed in the second year of the reign of her late Majesty Queen Anne, (intituled, *An act for the exchange of glebes belonging to churches in this kingdom*) it is amongst other things enacted, "That it shall and may be lawful "to and for every archbishop, bishop, dean, dignitary or pre-"bendary, having land belonging to their bishoprick, deanery, "dignity, or prebend, near any church, and convenient for a "glebe for the said church, not already endowed with twenty "acres of glebe, by and with the advice and consent of his re-"spective dean and chapter, to grant any quantity thereof, not "exceeding twenty acres plantation measure, to the rector, vicar, "or other ecclesiastical person having the actual cure of souls, and "their successors, at the moiety of the present yearly rent, or

Recital of 2 *Anne* 10. *Sec.* 4.

"for

" for any greater ſum; which rent ſhall be paid by ſuch rectors A. D.
" or vicars, or other eccleſiaſtical perſons having the actual cure 1727.
" of ſouls, to the ſaid biſhop, dean, dignitary, or prebendary, Chap. 13.
" and their reſpective ſucceſſors for ever, by four equal portions:
" (that is to ſay) at the feaſt of the annunciation of the bleſſed
" Virgin Mary, the feaſt of Saint John the Baptiſt, the feaſt of
" Saint Michael the Archangel, and of the nativity of our bleſſed
" Lord and Saviour; and, in caſe of non-payment, that it ſhall be
" lawful for the ſaid biſhop, dean, dignitary, or prebendary, his
" or their ſucceſſors, to diſtrain or ſue for the ſame, and all ar-
" rears thereof; and that the ſaid twenty acres or leſſer quantity
" of land, ſo granted as aforeſaid, ſhall be reputed and taken as
" the glebe of the church, to whoſe incumbent and ſucceſſors it is
" granted;" which act was to be in force for one and twenty years, and by an act made in the tenth year of the reign of his late Majeſty King George the firſt, intituled, *An act for continuing ſeveral temporary ſtatutes made in this kingdom, and now near expiring*, is further continued to the twenty firſt day of September, which ſhall be in the year of our Lord one thouſand ſeven hundred and thirty one, and from thence to the end of the then next ſeſſion of Parliament: and whereas ſeveral deans and chapters, as bodies politick, are ſeized of ſeveral lands, which may be convenient for glebe: be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for all deans and chapters, having lands belonging to them as a body politick near any church, and convenient for a glebe for the ſaid church, not already endowed with ten acres of glebe, by and with the conſent of the archbiſhop or biſhop of the dioceſs, to which ſuch dean and chapter belong, at any time during the continuance of the ſaid act made in the ſecond year of the reign of her late Majeſty Queen Anne, and continued as aforeſaid, to grant any quantity thereof, not exceeding twenty acres plantation meaſure, to the rector or vicar, and their ſucceſſors, or to any perſon or perſons, and his and their heirs, in truſt for any ſuch curate, or other eccleſiaſtical perſon having the actual cure of ſouls, and their ſucceſſors, at ſuch rent, ſo payable, and with like power to recover the ſame, as in and by the ſaid act is provided for biſhops, deans, dignitaries, and prebendaries; and that the ſaid twenty acres or leſſer quantity of land, ſo granted by ſuch dean and chapter as aforeſaid, ſhall be reputed and taken as the glebe of the incumbent of the ſaid pariſh church, and of his ſucceſſors, to whom it is granted.

continued by 10 *G.* 1. 4.

Deans and chapters having lands as a body politick, near and convenient for glebe for a church not endowed with 10 acres, may with conſent of the biſhop (during continuance of 2 *Anne* 10.) grant 20 acres or leſs in truſt for the perſon having actual cure, 31 *G.* 2. 11. at ſuch rent, &c. as by ſaid act; which ſhall be the glebe.

VIII. And be it further enacted by the authority aforeſaid, That every rector, vicar, curate, or other eccleſiaſtical perſon, who ſhall build or improve on any land granted for a glebe in 9 *G.* 2. 13. 15 *G.* 2. 5. 17 *G.* 2. 8.

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pursuance of this act, for which a certificate shall be obtained, as is appointed by an act passed in the twelfth year of the reign of his late Majesty King George, intituled, *An act to amend and explain an act*, intituled, *An act to encourage building of houses, and making other improvements on church lands, and to prevent dilapidations*; such rector, vicar, curate, or other ecclesiastical person, his executors or administrators, shall have and receive from his next and immediate successor three fourth parts of the sum or sums so certified; and such successor, having paid the three fourth parts of the sum or sums so certified as aforesaid, or his executors or administrators respectively, shall and may receive two thirds thereof; that is, one moiety of the sum first certified from his next successor; which successor, having paid the said moiety of the said first sum, or his executors or administrators, shall and may receive from his next successor one half thereof; that is, one fourth part of the sum or sums in the first certificate mentioned; all which sums so to be paid and received shall and may be paid and recovered within the times, and in the same manner, as the sums to be paid and recovered by an act passed in the tenth year of King William the third of glorious memory, intituled, *An act to encourage building of houses, and making other improvements on church lands, and to prevent dilapidations*, are directed and appointed to be paid and recovered; any thing in the said mentioned act contained to the contrary notwithstanding.

On certificate of building and improving on glebes, as by 12 G. 1. 10. three fourths shall be received from successor, who shall receive two thirds from the next, who shall from his successor 1 half:

paid and recovered as by 10 *Will.* 3. 6.

IX. And whereas few buildings or houses convenient for the residence of school-masters have been erected on the lands, granted by King Charles the first to James then lord archbishop of Ardmagh, and his successors for ever, in trust for the masters of several free schools for the time being, and all or most of those, which have been erected, are become ruinous and decayed, and are likely to continue so, for want of due encouragement for the masters of the said several free schools to improve, build, and repair such houses and buildings: be it therefore further enacted by the authority aforesaid, That it shall and may be lawful to and for the archbishop of Ardmagh for the time being to appoint by certificate under his hand and archiepiscopal seal what part of the lands belonging to any such free school is fit and convenient for the residence of the master and his successors; which from thenceforth shall be deemed and taken to be part of the demesne of such free school; and that all improvements, buildings, additions, and repairs, on any lands so certified, shall be to all intents and purposes, under the same appointments, restrictions, and limitations, as improvements, buildings, additions, and repairs, made by ecclesiastical persons on their glebes are under, by virtue of the said

Want of houses on lands granted by K. C. 1. for masters of free schools. 5 G. 2. 4.

Archbishop of Armagh may by certificate appoint part of the lands for a master, which shall be deemed the demesne.

Improvements thereon under same limitations as by ecclesiastical persons, by

said act made in the tenth year of the reign of King William the third of glorious memory, intituled, *An act to encourage building of houses, and making other improvements on church lands, and to prevent dilapidations*; and also by virtue of the said act made in the twelfth year of his late Majesty King George the first, intituled, *An act to amend and explain an act*, intituled, *An act to encourage building of houses, and making other improvements on church lands, and to prevent dilapidations*: and that such master and masters, and his and their successor and successors, and their respective executors and administrators, shall and are hereby impowered and intitled to receive from his and their respective immediate successor and successors, and his and their respective executors and administrators, such proportion and proportions of the sum and sums by him and them respectively expended in and paid for any improvements, buildings, additions, or repairs on the land so certified, and in such manner as ecclesiastical persons and their successors are by virtue of the aforementioned acts, or either of them, enabled and intitled to receive from their next immediate successors for improvements made by them on their glebes.

10 *Will.* 3. 6. and 12 *G.* 1. 10.

and successors shall pay the like proportion.

X. And because it happens, that the lands belonging to several of such free schools are at a great distance from the place, where the free school is erected and kept, and that several of such free schools are erected on so small a quantity of land, that there is no convenient residence for the school-masters: be it therefore further enacted by the authority aforesaid, That it shall and may be lawful to and for the several school-masters of such free schools by and with the consent and approbation of the archbishop of Ardmagh for the time being, certified under his hand and archiepiscopal seal, to exchange with any archbishop, bishop, or other person, lands belonging to the free school, which lie inconvenient and at a distance from it, for such quantity of lands of equal value, worth, and purchase, lying near and convenient to the school, as the archbishop of Ardmagh for the time being shall judge fit and proper for a demesne for the master of such free school, in such manner and form as by the said act made in the second year of the reign of Queen Anne, intituled, *An act for the exchange of glebes belonging to churches in this kingdom*, is directed.

Masters with consent of archbishop may exchange lands inconvenient, and at a distance, for lands of equal value, as by archbishop thought fit for demesne, as by 2 *Anne* 10.

XI. Provided, That no rector, vicar, curate, or other ecclesiastical person or school-master, shall be obliged to pay his predecessor, or the executors or administrators of his predecessor, by virtue of any certificate or certificates for building and improving such glebe or demesne, granted in pursuance of this act, any more or greater sums than the clear value of one year and a half's income so limited as aforesaid.

Successors not obliged to pay more for improvements of predecessors than 1 year and a half's income.

XII. And

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XII. And whereas within cities and towns corporate ſeveral incumbents of pariſhes have their manſe-houſes inconveniently ſituated for the reſidence of the incumbents of ſuch reſpective pariſhes, and have likewiſe other lots of ground belonging to them, which would be more convenient for that purpoſe: and whereas ſome ſuch incumbents have belonging to them a greater quantity of ground, than is neceſſary for the ſufficient accommodation of the reſpective incumbents; by means whereof large quantities of ground in many cities and towns corporate remain unimproved, to the great prejudice not only of ſuch incumbents, but of the cities and towns corporate where ſuch grounds do lie: for remedy whereof, be it further enacted by the authority aforeſaid, That from and after the firſt day of May one thouſand ſeven hundred and twenty eight it ſhall and may be lawful to and for every rector, vicar, or other incumbent of any pariſh in any city or town corporate, with the conſent of the patron of ſuch pariſh, and ordinary of the dioceſs, to let or demiſe any houſe or ground to him belonging in any city or town corporate for any term of years not exceeding ſixty one years, without taking any thing by way of fine, at the full improved rent, ſo as ſuch leaſe be not made to commence in *futuro*, and ſo as in ſuch leaſe the rent be reſerved and made payable to ſuch incumbent and his ſucceſſors, and ſo as every ſuch houſe or lot of ground ſo let be certified by the archbiſhop of the province, and the biſhop of the dioceſs, under their archiepiſcopal and epiſcopal ſeals, to be over and above what is ſufficient for the convenient reſidence of the reſpective incumbent, and ſo as ſuch certificate ſo given, and ſuch leaſe ſo made, be entred in the regiſtry of the dioceſs.

Incumbents in cities, &c. may demiſe for 61 years, without fine, at improved rent, not in *futuro*,

the rent reſerved to them and ſucceſſors;

on certificate of archbiſhop and biſhop of being above what ſufficient for reſidence,

and regiſtered.

XIII. And be it further enacted by the authority aforeſaid, That where any ſuch leaſe ſhall be made and entred as aforeſaid, it ſhall and may be lawful to and for every ſuch incumbent for the time being to renew ſuch leaſe for any term of years not exceeding forty years, ſo as the former rent be not leſſened, without any new certificate from the archbiſhop or the biſhop.

Incumbent may without certificate renew 40 years, not leſſening the rent,

XIV. Provided always, That ſuch renewed leaſe be entred in the regiſtry of the dioceſs, where ſuch houſe or ground ſhall lie.

and regiſtering it.

CHAP.

A. D. 1727.

CHAP. XVI.

An act for regulating the price and assize of bread, and the markets.

WHEREAS little or no observance hath in many places been made either of the due assize or reasonable price of bread, and covetous and evil-disposed persons, taking advantage of the same, have for their own gain and lucre deceived and oppressed his Majesty's subjects, and more especially the poorer sort of people: for remedy whereof for the future, and that a plain and constant rule and method may henceforward be duly observed and kept in the making and assizing the several sorts of bread made for sale, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That from and after the first day of June one thousand seven hundred and twenty eight the lord mayor within the city of Dublin and the liberties thereof, and the mayor, sovereign, provost, or other chief magistrate for the time being, of any other city, town-corporate, or borough, and the seneschals within the mannors or liberties of Saint Sepulchres, Thomas-court, and Donore, or two or more justices of the peace in such towns and places, where there shall be no such mayor, sovereign, provost, or chief magistrate, shall severally and respectively, and from time to time, as there shall be occasion, set, ascertain, and appoint, within their several and respective jurisdictions, the assize and weight of all sorts of bread to be sold or exposed to sale by any baker or other person whatsoever within the limits of their several jurisdictions, having respect to the price, which the grain, meal, or flour, whereof such bread shall be made, shall bear in the several publick markets in or about the city, town-corporate, borough, mannor, liberty, or place, where such assize shall be set, and making reasonable allowance to the bakers for their charges, pains, and livelihood; which said assize shall be set in *avoirdupois* and not *troy* weight.

51 H. 3. st. 6. *Eng. and stat. de pistoribus. Eng.* 8 *Anne.* 18. *Eng.* 1 G. 1. 26. *Eng.* 3 G. 2. 29. *sec.* 2. *Eng.* 7 G. 2. 15. 11 G. 2. 11. 19 G. 2. 17. 29 G. 2. 11.

Mayors, chief magistrates, or 2 justices shall set the assise and weight of bread, respecting the price of the grain in the market, and reasonable allowance to bakers,

in *Averdupois*

II. And that the said assize may be the more easily ascertained and appointed, be it enacted by the authority aforesaid, That from and after the said first day of June one thousand seven hundred and twenty eight no person or persons whatsoever shall make for sale, or sell, or expose to sale, any sort or sorts of bread, other than the several sorts of bread herein after mentioned: (that is to say) white, wheaten, and household, and such other sort and sorts of bread as shall be publickly licensed and allowed by the lord mayor within the said city of Dublin and liberties thereof, or by the said chief magistrates, justices of the peace, or seneschals within their several and respective jurisdictions; all which several sorts of bread shall be made in their several and respective degrees according to the goodness of the several sorts of grain, whereof the same ought to be made, and the assize and weight of the said white, wheaten, and household bread, made of wheat, shall be set and ascertained according to the table hereafter following.

No sort of bread shall be sold except white, wheaten, and household, and such as publickly licensed by mayor, *&c.*

the assize and weight shall be ascertained according to the table.

III. And to the intent that the good design of this act may be effectually complied with, be it further enacted by the authority aforesaid, That every common baker, and every person, who shall make or bake for sale, or any ways expose to sale, any sort of bread whatsoever, shall from and after the first day of June one thousand seven hundred and twenty eight fairly imprint or mark, or cause to be fairly imprinted or marked, on every loaf so by him made or exposed to sale, the sort, price, and weight, of such loaf, or any other mark, as shall be appointed by the said lord mayor, or by the said chief magistrates, justices of the peace, and seneschals

Bakers shall mark their bread, 22 G. 2. 46. *Sect.* 21. *Eng.*

as directed by the magistrates, by order in writing

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chals respectively, within the limits of their said several jurisdictions by order in writing under their respective hands; and the said lord mayor within the city of Dublin and the liberties thereof, and the said other chief magistrates, justices of the peace, and seneschals aforesaid, within the bounds of their several jurisdictions shall have full power and authority from time to time by like order in writing to limit, direct, and appoint, how and in what manner each sort of bread shall be marked for knowing the baker, or maker, price, weight, and sort thereof, and to make and set down any other reasonable rules and orders for the better regulating the mystery of making bread, and the several sorts thereof, that shall be baked by the respective bakers, and the assize, price, and weight thereof, and all things concerning the same, as in their judgments they shall find necessary and convenient; and if any baker, or other person or persons baking or making bread for sale, or exposing bread to sale, shall bake, make, sell, or expose to sale, any bread, which shall be deficient in weight, according to the assize of bread to be set pursuant to the directions of this act, the amount of one ounce or more, or that shall not be marked according to the directions of this act, or such other rules and orders as shall be from time to time made as aforesaid, he, she, or they, so offending, being thereof lawfully convicted, shall forfeit the sum of five shillings for every ounce of bread so wanting; and for any bread wanting any weight less than one ounce, the sum of two shillings and six pence; and for not being marked as aforesaid the sum of five shillings for each loaf; such bread being complained of and weighed before a magistrate or justice or justices of the peace, or the said seneschals within their respective jurisdictions, or before any person by him or them respectively appointed, within four and twenty hours after the same shall be baked, or exposed to sale, within the city of Dublin and liberties thereof, and the liberties of saint Sepulchres, Thomas-court, and Donore, and within three days after the same shall be baked or exposed to sale in any other city, town, or place within the kingdom of Ireland: and if any baker or bakers, or other person or persons baking or making bread for sale, or exposing bread to sale, shall break such regulations and orders, as shall from time to time be made by virtue of this act, or shall in any sort or way offend against this act in any of the matters or things before appointed by this act to be observed by the bakers or makers of bread for sale, or other persons exposing bread to sale, for which no penalty is before inflicted, he, she, or they, so offending, shall for every such offence forfeit any sum not exceeding the sum of forty shillings; all which penalties and forfeitures shall be recovered upon conviction by the confession of the party, or by the oath of one or more credible witness or witnesses, before the said lord mayor, or before the said chief magistrate or magistrates, or one of them, or the said seneschals within their respective jurisdictions, or in such towns, where there are not any such magistrate or magistrates, before one or more justice or justices of the peace of the county, wherein the offence shall be committed, or the party offending shall be apprehended; to be levyed by way of distress upon the goods and chattles of every such offender by warrant from the said lord mayor or chief magistrate, justice or justices, seneschal or seneschals aforesaid, before whom such conviction shall be made, returning the overplus; the said forfeitures to be given to the informer or informers.

who may make rules for regulating the same.

Penalty 5 s. every ounce wanting, 1 G. 1. c. 26. sect. 5. Eng. 12 s. and 6 d. for less than an ounce, 7 G. 2. c. 15. altered. if not marked, 5 s. each loaf, on complaint and being weighed before a magistrate in 24 hours after baked or exposed to sale in Dublin and liberties, three days in other places.

Penalty for other offences 40 s.

All which penalties on conviction before magistrate in summary way levied by distress,

to informer

IV. And be it further enacted by the authority aforesaid, That the convictions, made as aforesaid upon this act, shall be certified to the next general quarter-sessions of the peace for the county or place, where such convictions were made, to be there kept upon record by the respective clerks of the peace, to be seen without fee or reward.

Convictions certified to next sessions:

seen without fee.

V. Provided always, and be it further enacted by the authority aforesaid, That if any person so convicted, who shall be fined forty shillings or more, shall think him or herself agrieved, he or she shall and may make his or her appeal in writing to the next quarter-sessions of the peace for the city, town, or county, where such conviction shall be made, where the same shall be heard in a summary manner, and finally

Persons fined 40 s. may appeal to sessions,

finally determined; and if the person so appealing shall not make good such his or her appeal, or prosecute it with effect, the said court of sessions shall award such costs, as they shall think reasonable, to the prosecutor or informer, and commit the offender to the common goal, until he or she shall make payment of the said costs, and also of the penalty adjudged on the conviction to the informer.

If not made good, costs awarded, and for non-payment, committed.

VI. Provided also, That if any baker, or seller of bread, shall put into any bread, by him sold or exposed to sale, any mixture of any other grain, or in a larger or other proportion than what shall be appointed by the assize settled in the place, where such bread shall be sold, or exposed to sale, every such person so offending shall for every such offence forfeit the sum of twenty shillings, to be had and recovered in the manner and form before mentioned: and if any mayor or other chief magistrate, justice of the peace, or seneschal aforesaid shall, on any information made to him or them of any offences committed against this act, wilfully and wittingly omit the performance of his duty thereupon in execution of this act, he shall forfeit the sum of twenty shillings; to be recovered by civil bill, which in the city of Dublin the justices of the peace at the quarter-sessions, to be held for the county of the said city, are hereby impowered to hear and determine.

If bread mixt with other grain, or other proportion than by the assize. Penalty 20 s. as aforesaid.

Magistrate neglecting, penalty 20 s. by civil bill.

VII. And that the good design of this statute may be more effectually accomplished, be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the lord mayor and aldermen of the city of Dublin, or any one of them within the said city and liberties thereof, and also to and for the chief magistrate or magistrates, justices of the peace, or seneschals as aforesaid, or any one of them within the limits of their several jurisdictions, at all times hereafter in the day time to enter into any house, shop, stall, bake-house, ware-house, or out-house of or belonging to any baker or seller of bread, there to search for, view, weigh, or try, all or any the bread of such persons, or which shall be there found; and if any bread shall be there found wanting either in the goodness of the stuff, whereof the same shall be made, or be deficient in the due baking or working thereof, or shall be wanting in the due weight, or shall not be truly marked according to the directions of this act, or shall be of any other sort, than shall be allowed by virtue of this act, that then and in every such case such lord mayor and alderman, or aldermen, chief magistrate or magistrates, justice or justices of the peace, and seneschals as aforesaid, are hereby severally and respectively authorized and required to take and seize the said bread so found, and cause the same to be forthwith given and distributed to the poor of the parish, where such seizure shall be made, or to the prisoners in the goals, at their discretion: and if any baker, or seller of bread, or other person or persons, shall not permit or suffer such search or seizure to be made, or shall oppose, hinder, or resist the same, he, she, or they, so offending, shall for every such offence forfeit the sum of forty shillings to the informer or informers; to be had and recovered in the summary manner and form herein before mentioned for punishing bakers in not observing the weight of their bread.

Magistrates in day-time may enter and search baker's houses, view and try the bread:

and if deficient in goodness, weight; not duly baked, worked, or marked, &c. may seise and give to the poor or prisoners.

Penalty for resistance 40 s. to informer.

VIII. And whereas great quantities of corn and meal are usually imported into the port of Dublin and other ports of this kingdom, and the same are privately bought up by the bakers and sellers of bread, and meal-men, from the merchants, factors, masters, owners, or other persons importing the same, who frequently give them great allowances, and private agreements are often made by the bakers and sellers of bread, and meal-men, with the countrymen and farmers, for enhancing the price of wheat, meal, and flour in the publick markets, whereby the number of barrels of corn weekly sold, as also the price and allowances given for the same, are concealed, by reason whereof the assize of bread cannot be justly and truly calculated, the magistrate having no power to compel the offenders to discover upon their oaths such frauds and abuses so prejudicial to the publick: to the end therefore that the number of the barrels of wheat, meal, or flour, weekly sold, may be truly known, and all private agreements entred into between any merchant, factor, master,

To remedy frauds and abuses in enhansing the price of wheat, &c. between importers or farmers and bakers and meal-men, and preventing the just calculation of assize of bread,

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master, or owner, importing corn, or any countryman or farmer, and the bakers, sellers of bread, and meal-men, for enhancing the price of wheat, meal, or flour, may be detected, and that the chief magistrates, justices of the peace, and seneschals, may be able to discover what allowances are made or given to the bakers, sellers of bread, or meal-men; to the intent that the real prices may be truly known, and the assize of bread justly and truly regulated, be it enacted by the authority aforesaid, That from and after the said first day of June one thousand seven hundred and twenty eight every baker, seller of bread, or meal-man, who shall buy any corn or meal imported from abroad, or brought coast-ways into any city, port, or town by sea, from any merchant, factor, master, owner, or other person whatsoever, shall be and is hereby required within twenty four hours after such sale, to return in writing upon oath, for which no fee shall be paid, unto the chief magistrate of the city or town, where such corn is bought, the number of barrels of corn, which he, she, or they, shall buy in manner aforesaid, and the time when, as also the real price or prices of each barrel, and all and every allowance or allowances given for the same, either in the score or otherwise, and whether any and what deduction was to be made in the price for or on account of weight, and from whom the same was bought; and in case such chief magistrate shall have reason to suspect such return, it shall and may be lawful to and for such chief magistrates to summon not only such baker, sellers of bread, and meal-men, but also to summon the merchant, factor, master, owner, or other person, who sold the same, or any or every of them, being within their respective jurisdictions, and to examine him or them upon their oaths as to the truth of such return by the baker, seller of bread, or meal-man, which oaths they are hereby impowered to administer, to the end the quantity bought, the real price, and the allowances given for the same, may be truly known; and also that it shall and may be lawful to and for every mayor, or chief magistrate, justice of the peace, and seneschals within their respective jurisdictions, if they see cause, or shall suspect any private agreements between the countryman or farmer, and the bakers, sellers of bread, or meal-man, to summon and examine any such baker, seller of bread, or meal-man, or any or every of them, being within their respective jurisdictions, who shall buy or sell any grain, corn, or meal in the publick markets, immediately to appear before him or them, and upon such parties appearing, to examine him, her, or them, as to the prices, which are really and *bona fide* paid, or agreed to be paid, for such corn bought in the market by the barrel, and whether any and what allowances were to be given in the score or otherwise, or whether each barrel of corn was to weigh a certain weight, and, in case they did not answer to that weight, whether any allowance was to be given by the farmer or countryman in the price so agreed upon, and such other questions as shall be necessary to detect such frauds and abuses; and if any baker, meal-man, or seller of bread, who shall so buy any corn imported from abroad, or brought coast-ways, shall neglect or omit to make such return, or such baker, meal-man, or seller of bread, or the merchant, factor, master, owner, or other person selling such corn so imported, so summoned as aforesaid, shall refuse to appear according to such summons as aforesaid, or after appearance shall refuse to be examined upon oath as aforesaid, he, she, or they, so neglecting or refusing, shall for every such offence forfeit the sum of twenty shillings to the informer or informers, to be had and recovered in the summary manner and form before mentioned: and in case any of the said persons, so examined upon oath as aforesaid, shall either in the said return, or upon his, her, or their examinations, wilfully forswear him or herself, such person or persons so offending shall be indicted and prosecuted as for perjury at common law.

Bakers, &c. buying corn or meal imported or brought coast-ways, shall in 24 hours return in writing, on oath to chief magistrate the number of barrels, the time, prices, allowances and deduction, and from whom.

19 G. 2. 17. *altered.*

If the return suspected, they, the merchant, &c. may be summoned and examined on oath.

So if private agreement suspected between the baker, &c. and the farmer.

Penalty for not making such return, refusing to appear, or to be examined, 20 s. in said summary way, to informer.

IX. And whereas it has been commonly practised by persons, who have brought corn from the country to the city of Dublin, to lodge and deposite such corn in inns and ware-houses, and other private places, and to send only a small quantity thereof to market, and privately to sell the residue remaining in such inns and ware-houses to

To prevent sale of corn in private places,

to the bakers, and ſellers of bread, and meal-men, whereby the aſſize of bread cannot be duly regulated; be it enacted by the authority aforeſaid, That from and after the firſt day of June one thouſand ſeven hundred and twenty eight no baker, or ſeller of bread, or meal-man, directly or indirectly, by himſelf, or others for his uſe, ſhall buy any grain or corn from any farmer or countryman, or other perſon whatſoever, but in the common publick markets, or places where corn is uſually ſold or expoſed to ſale within the city of Dublin, the liberties of ſaint Sepulchres, Thomas-court, and Donore, and other liberties thereunto adjoyning (except where the ſame hath been imported, and then only from the merchant, factor, maſter, or owner importing the ſame): and if any baker, or ſeller of bread, or meal-man, ſhall be convicted of buying corn in any other place, or in any other manner, than as aforeſaid, by the confeſſion of the party, or by the oath of one or more credible witneſs or witneſſes before the lord mayor of the city of Dublin, or the ſeneſchals of their ſaid liberties within their reſpective juriſdictions (which oath they have hereby reſpectively power to adminiſter) ſuch perſon of perſons ſo offending ſhall for every ſuch offence forfeit the ſum of five pounds; to be had and recovered in the ſummary manner and form, and to be applyed, as is herein before mentioned, with like liberty of appeal.

Bakers, &c. ſhall buy corn only in publick markets in Dublin and the liberties (except where imported, and then from importer only)

Penalty 5 l. as aforeſaid, with like liberty of appeal.

X. And whereas the bakers and ſellers of bread in the ſaid city of Dublin, and the liberties of Saint Sepulchres, Thomas-court, and Donore, adjoyning to the ſaid city, have of late not made and baked the like numbers of ſix-penny and twelve-penny houſhold loaves as formerly, whereby the poorer ſort of people have been great ſufferers, and for want of a ſufficient quantity of that bread are greatly diſtreſſed: be it enacted by the authority aforeſaid, That from and after the firſt day of June one thouſand ſeven hundred and twenty eight every baker, or other perſon making or expoſing bread to ſale within the city of Dublin, and liberties of Saint Sepulchres, Thomas-court, and Donore, ſhall at all times make and bake the ſame quantity of houſhold as of wheaten bread, unleſs the ſaid lord mayor and ſeneſchals within their reſpective juriſdictions ſhall think it neceſſary, that greater quantities of houſhold or other ſort of bread ſhould be made and baked, and ſhall publiſh the quantities and proportions to be ſo baked in the weekly aſſize of bread or otherwiſe under their hands reſpectively; which ſaid directions, rules, and orders ſo publiſhed, the ſaid bakers or ſellers of bread are hereby required duly to obſerve and perform; and if any baker or ſeller of bread ſhall omit to bake an equal number of houſhold as of wheaten loves, or ſhall not obſerve ſuch directions, rules, or orders, that ſhall be publiſhed as aforeſaid for baking houſhold bread, or other ſorts of bread, he, ſhe, or they, being thereof convicted, by the confeſſion of the party, or by the oath of one or more credible witneſs or witneſſes, before the ſaid lord mayor or the ſaid ſeneſchals reſpectively within their reſpective juriſdictions, which oath they have hereby power to adminiſter, ſhall for every ſuch offence forfeit the ſum of forty ſhillings, to be had and recovered in the ſummary manner and form, aud to be applyed as is before mentioned, with like liberty of appeal.

To prevent the want of houſhold bread for the pooter ſort,

the ſame quantity of houſhold as of wheaten bread ſhall be baked in Dublin, &c.

unleſs lord mayor, &c. order a greater quantity, and publiſh the proportions;

Penalty for not obſerving ſaid directions, 40 s. as aforeſaid.

XI. And to the intent that the aſſize of bread may be truly ſet according to the real prices of wheat, meal, or flour, whereof ſuch bread is made; be it enacted by the authority aforeſaid, That from and after the ſaid firſt day of June one thouſand ſeven hundred and twenty eight, every time the aſſize is or ſhall be aſcertained according to the powers by this act given, the prices of grain in the reſpective markets within the diſtance of five miles of the city, town, liberty, or place, where ſuch aſſize ſhall be fixed, ſhall from time to time be given in, and certified upon oath, before the ſaid lord mayor of the city of Dublin, or ſuch chief magiſtrate or magiſtrates, juſtices of the peace and ſeneſchals aforeſaid, as by this act are reſpectively authorized and impowered to ſet ſuch aſſize, by the clerk or clerks of the ſaid reſpective markets, or ſuch conſtable or other peace officer of the place, where

The price of grain in markets within 5 miles of the place where the aſſize fixed ſhall from time to time be certified on oath to chief magiſtrate by clerk of market or peace officer.

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any such market shall be held, as the said magistrates, justices of peace, or seneschals shall appoint, so that they may set the assize accordingly; the lord mayor and five of the aldermen of the city of Dublin, and the other chief magistrates or magistrates, justices of the peace, and seneschals aforesaid, shall, as often as they judge necessary, make such further reasonable allowances to the bakers for their charges, pains, and livelyhood, as heretofore has been accustomed; any thing herein contained to the contrary notwithstanding;

The magistrates shall make accustomed allowances to bakers. 19 G. 2. 17. 29 G. 2. 11.

XII. Provided always, That this act, or any thing therein contained, shall not extend to prejudice the right of the lord or lords of any leet, to set, inquire, and punish the breach of the assize of bread within their respective leets or views of Frank-pledge,

Not to prejudice right of lords of any leet.

XIII. And to the end the said markets may be regularly kept; be it enacted by the authority aforesaid, That upon all market-days a market bell shall ring at eleven a clock in the morning for the opening the market; and if any farmer or other person or persons whatsoever shall sell or put to open sale any corn in the said markets before ringing of the said bell, such offender or offenders shall be proceeded against as fore-stallers of the market; on which days the lord mayor of the city of Dublin, or some person by him authorized or appointed, shall duly attend to take the rates and prices of corn, and the quantity that shall be in the market, to the end a new assize of bread may be weekly regulated and published.

On market-days at the opening the bell shall ring at 11.

Corn shall not be exposed to sale before, on pain of being deemed fore-stallers.

Lord mayor, &c. shall attend to take rates, prices, and quantity of corn, that assize may be weekly regulated.

XIV. Provided always, That no person, punished by virtue of this act, shall be for the same offence prosecuted on any other law, statute, usage, or custom whatsoever.

None punished by this act shall for same offence be prosecuted on any other law.

XV. And be it further enacted by the authority aforesaid, That in case any person shall be sued, or otherwise impeached, for any thing he shall do in execution of this act, the defendant may plead the general issue, and give the special matter in evidence; and if a verdict shall pass for the defendant, or the plaintiff be nonsuited, or judgment shall pass for the defendant in such suit, such defendant shall recover treble costs.

General issue may be pleaded by persons executing this act, and treble costs recovered on nonsuit, &c.

XVI. Provided always, That this act shall be and continue in force for two years from the first day of June one thousand seven hundred and twenty eight, and to the end of the next session of Parliament after the said two years.

Continuance 2 years, &c. *Continued 3 G. 2. 5. to 25 March 1751, &c. and further for 4 years, &c. by 23 G. 2. 8.*

A TABLE of the Assize of Bread in Pounds, Ounces, and Drams, Avoirdupois Weight.

Note, The Ounce is divided into eight Drams.

Price of the Quarter with Allowance.	White Loaf.								Wheaten Loaf.								Houshold Loaf.								Explanation.
	Penny.		Four Penny.		Six Penny.		Twelve Penny.		Penny.		Four Penny.		Six Penny.		Twelve Penny.		Penny.		Four Penny.		Six Penny.		Twelve Penny.		
l. s. d.	*p. o. d.*		*p. o. d.*		*p. o. d.*		*p. o. d.*		*p. o. d.*		*p. o. d.*		*p. o. d.*		*p. o. d.*		*p. o. d.*		*p. o. d.*		*p. o. d.*		*p. o. d.*		
0 12 0	1	14 7	7	11 5	11	9 3	23	2 7	2	14 3	11	9 3	17	6 1	34	12 2	3	13 6	15	7 2	23	2 7	46	5 6	In the first Column is the Price of the Quarter of Wheat, which is two Barrels, the Allowance of the Magistrate to the Baker, which is six Shillings the Quarter for baking, being included; and in the other Columns is the Weight of the several loaves.
0 12 6	1	13 5	7	6 5	11	2 0	22	4 0	2	12 4	11	2 0	16	11 0	33	6 0	3	11 4	14	13 2	22	4 0	44	8 0	
0 13 0	1	12 4	7	2 1	10	11 1	21	6 2	2	10 6	10	11 1	16	0 6	32	1 4	3	9 0	14	4 2	21	6 2	42	12 4	
0 13 6	1	11 4	6	13 7	10	4 6	20	9 5	2	9 1	10	4 6	15	7 2	30	14 4	3	6 7	13	11 6	20	9 5	41	3 2	
0 14 0	1	10 4	6	10 0	9	14 7	19	13 7	2	7 6	9	14 7	14	14 3	29	12 6	3	6 0	13	4 0	19	13 7	39	11 6	
0 14 6	1	9 5	6	6 2	9	9 4	19	2 7	2	6 3	9	9 4	14	6 1	28	12 3	3	3 1	12	12 4	19	2 7	38	5 6	
0 15 0	1	8 6	6	2 7	9	4 3	18	8 5	2	5 0	9	4 3	13	14 4	27	13 0	3	1 4	12	5 6	18	8 5	37	1 2	
0 15 6	1	7 7	5	15 5	8	15 4	17	15 1	2	3 7	8	15 4	13	7 2	26	14 5	2	15 6	11	15 2	17	15 1	35	14 2	
0 16 0	1	7 1	5	12 6	8	11 1	17	6 1	2	2 6	8	11 0	13	0 5	26	1 2	2	14 3	11	9 4	17	6 1	34	12 2	
0 16 6	1	6 4	5	9 7	8	6 7	16	13 6	2	1 5	8	6 7	12	10 2	25	4 4	2	13 0	11	3 6	16	12 6	33	11 4	
0 17 0	1	5 6	5	7 2	8	2 7	16	5 6	2	0 6	8	2 7	12	4 3	24	8 5	2	11 5	10	14 4	16	5 6	32	11 4	
0 17 6	1	5 1	5	4 6	7	15 1	15	14 2	1	15 6	7	15 1	11	14 6	23	13 3	2	10 3	10	9 4	15	14 2	31	12 4	
0 18 0	1	4 5	5	2 3	7	11 5	15	7 2	1	14 7	7	11 5	11	09 3	23	2 7	2	9 2	10	4 6	15	7 2	30	14 4	
0 18 6	1	4 0	5	0 1	7	8 2	15	0 4	1	14 0	7	8 2	11	4 3	22	8 6	2	8 1	10	0 2	15	0 4	30	1 0	
0 19 0	1	3 4	4	14 1	7	5 1	14	10 3	1	13 2	7	5 1	10	15 6	21	15 4	2	7 0	9	12 2	14	10 3	29	4 6	
0 19 6	1	3 0	4	12 0	7	2 1	14	4 2	1	12 4	7	2 1	10	11 1	21	6 2	2	6 0	9	8 0	14	4 2	28	8 4	
1 0 0	1	2 4	4	10 1	6	15 2	13	14 4	1	11 6	6	15 2	10	6 7	20	13 6	2	5 1	9	4 2	13	14 4	27	13 0	
1 0 6	1	2 0	4	8 3	6	12 4	13	9 0	1	11 1	6	12 4	10	2 6	20	5 5	2	4 1	9	0 6	13	9 0	27	2 0	
1 1 0	1	1 5	4	6 5	6	9 7	13	3 7	1	10 4	6	9 7	9	14 7	19	13 7	2	3 2	8	13 2	13	3 7	26	7 6	
1 1 6	1	1 2	4	5 0	6	7 4	12	15 0	1	9 7	6	7 4	9	11 2	19	6 4	2	2 4	8	10 0	12	15 0	25	14 0	
1 2 0	1	0 7	4	3 3	6	5 1	12	10 2	1	9 2	6	5 1	9	07 6	18	15 3	2	1 6	8	6 6	12	10 2	25	4 4	

Price of the Quarter with Allowance.	White Loaf.								Wheaten Loaf.								Houſhold Loaf.							
	Penny.		Four Penny.		Six Penny.		Twelve Penny.		Penny.		Four Penny.		Six Penny.		Twelve Penny.		Penny.		Four Penny.		Six Penny.		Twelve Penny.	
l. s. d.	*p. o. d.*		*p. o. d.*		*p. o. d.*		*p. o. d.*		*p. o. d.*		*p. o. d.*		*p. o. d.*		*p. o. d.*		*p. o. d.*		*p. o. d.*		*p. o. d.*		*p. o. d.*	
1 2 6	1	0 4	4	1 5	6	2 7	12	5 6	1	8 6	6	2 7	9	4 3	18	8 5	2	1 0	8	3 2	12	5 6	24	11 4
1 3 0	1	0 1	4	0 4	6	0 6	12	1 4	1	8 1	6	0 6	9	1 1	18	2 2	2	0 2	8	1 0	12	1 4	24	3 0
1 3 6	0	15 6	3	15 1	5	14 5	11	13 3	1	7 5	5	14 5	8	14 0	17	12 0	1	15 4	7	14 2	11	13 3	23	10 6
1 4 0	0	15 3	3	13 6	5	12 6	11	9 3	1	7 1	5	12 6	8	11 0	17	6 1	1	14 7	7	11 4	11	9 3	23	2 6
1 4 6	0	15 1	3	12 5	5	10 6	11	5 5	1	6 5	5	10 6	8	8 2	17	0 4	1	14 2	7	9 2	11	5 5	22	11 2
1 5 0	0	14 6	3	11 3	5	9 0	11	2 0	1	6 2	5	9 0	8	5 4	16	11 0	1	13 5	7	6 6	11	2 0	22	4 0
1 5 6	0	14 4	3	10 1	5	7 2	10	14 4	1	5 6	5	7 2	8	2 7	16	5 6	1	13 1	7	4 2	10	14 4	21	13 0
1 6 0	0	14 2	3	9 0	5	5 4	10	11 0	1	5 3	5	5 4	8	0 3	16	0 6	1	12 4	7	2 0	10	11 0	21	6 0
1 6 6	0	14 0	3	8 0	5	4 0	10	7 0	1	5 0	5	4 0	7	13 7	15	11 7	1	12 0	7	0 0	10	7 0	20	14 0
1 7 0	0	13 6	3	6 7	5	2 3	10	4 6	1	4 5	5	2 3	7	11 5	15	7 2	1	11 4	6	13 6	10	4 6	20	9 4
1 7 6	0	13 4	3	5 7	5	0 7	10	1 6	1	4 2	5	0 7	7	9 3	15	2 6	1	11 0	6	11 6	10	1 6	20	3 4
1 8 0	0	13 2	3	5 0	4	15 4	9	14 7	1	3 7	4	15 4	7	7 1	14	14 3	1	10 4	6	10 0	9	14 7	19	13 6
1 8 6	0	13 0	3	4 0	4	14 0	9	12 1	1	3 4	4	14 0	7	5 1	14	10 2	1	10 0	5	8 0	9	12 1	19	8 2
1 9 0	0	12 6	3	3 1	4	12 6	9	9 4	1	3 1	4	12 6	7	3 1	14	6 1	1	9 5	6	6 2	9	9 4	19	3 0
1 9 6	0	12 4	3	2 2	4	11 3	9	6 7	1	2 7	4	11 3	7	1 1	14	2 2	1	9 1	6	4 4	9	6 7	18	13 6
1 10 0	0	12 3	3	1 3	4	10 1	9	4 3	1	2 4	4	10 1	6	15 2	13	14 4	1	8 6	6	2 6	9	4 3	18	8 6
1 10 6	0	12 1	3	0 5	4	8 7	9	1 7	1	2 2	4	8 7	6	13 3	13	10 6	1	8 2	6	1 2	9	1 7	18	3 6
1 11 0	0	11 7	2	15 7	4	7 6	8	15 4	1	1 7	4	7 6	6	11 5	13	7 2	1	7 7	5	15 6	8	15 4	17	15 0
1 11 6	0	11 6	2	15 1	4	6 5	8	13 2	1	1 5	4	6 5	6	10 0	13	4 0	1	7 4	5	14 2	8	13 2	17	10 4
1 12 0	0	11 4	2	14 3	4	5 4	8	11 0	1	1 3	4	5 4	6	8 2	13	0 4	1	7 1	5	12 6	8	11 0	17	6 0
1 12 6	0	11 3	2	13 5	4	4 4	8	8 7	1	1 1	4	4 4	6	6 5	12	13 3	1	6 7	5	11 2	8	8 7	17	1 6
1 13 0	0	11 2	2	12 7	4	3 3	8	6 6	1	0 7	4	3 3	6	5 1	12	10 2	1	6 4	5	9 6	8	6 6	16	13 4
1 13 6	0	11 0	2	12 2	4	2 3	8	4 6	1	0 5	4	2 3	6	3 5	12	7 2	1	6 1	5	8 4	8	4 6	16	9 4
1 14 0	0	10 7	2	11 5	4	1 3	8	2 7	1	0 3	4	1 3	6	2 1	12	4 2	1	5 6	5	7 2	8	2 7	16	5 6
1 14 6	0	10 6	2	11 0	4	0 4	8	1 0	1	0 1	4	0 4	6	0 6	12	1 4	1	5 4	5	6 0	8	1 0	16	2 0
1 15 0	0	10 5	2	10	3	15 5	7	15 1	0	15 7	3	15 5	5	15 3	11	15 6	1	5 1	5	4 6	7	15 1	15	14 2
1 15 6	0	10 3	2	9 6	3	14 5	7	13 3	0	15 5	3	14 5	5	14 0	11	12 0	1	4 7	5	3 4	7	13 3	15	10 6
1 16 0	0	10 2	2	9 3	3	13 6	7	11 8	0	15 3	3	13 6	5	13 6	11	8 6	1	4 2	5	2 2	7	11 8	15	7 2
1 16 6	0	10 1	2	8 5	3	13 0	7	9 7	0	15 2	3	13 0	5	11 8	11	6 7	1	4 1	5	1 0	7	9 7	15	4 2

Price of the Quarter with Allowance.	White Loaf.									Wheaten Loaf.										Houſhold Loaf.									
	Penny.			Four Penny.			Six Penny.			Twelve Penny.			Penny.			Four Penny.			Six Penny.			Twelve Penny.			Penny.			Four Penny.			Six Penny.			Twelve Penny.		
l. s. d.	p.	o.	d.	p.	o.	d.	p.	o.	d.	p.	o.	d.	p.	o.	d.	p.	o.	d.	p.	o.	d.	p.	o.	d.	p.	o.	d.	p.	o.	d.	p.	o.	d.	p.	o.	d.
1 17 0	0	10	0	2	8	1	3	12	1	7	8	2	0	15	0	3	12	1	5	10	1	11	4	3	1	4	0	5	0	2	7	8	2	15	0	4
1 17 6	0	9	7	2	7	4	3	11	2	7	6	5	0	14	6	3	11	2	5	9	0	11	2	0	1	3	6	4	15	0	7	6	5	14	13	2
1 18 0	0	9	6	2	7	0	3	10	4	7	5	1	0	14	5	3	10	4	5	7	6	10	15	5	1	3	4	4	14	0	7	5	1	14	10	2
1 18 6	0	9	5	2	6	4	3	9	6	7	3	4	0	14	3	3	9	6	5	6	5	10	13	3	1	3	2	4	13	0	7	3	4	14	7	0
1 19 0	0	9	4	2	6	0	3	9	0	7	2	1	0	14	2	3	9	0	5	5	4	10	11	1	1	3	0	4	12	0	7	2	1	14	4	2
1 19 6	0	9	3	2	5	4	3	8	2	7	0	5	0	14	0	3	8	2	5	4	4	10	9	0	1	2	6	4	11	0	7	0	5	14	1	2
2 0 0	0	9	2	2	5	0	3	7	5	6	15	2	0	13	7	3	7	5	5	3	3	10	6	7	1	2	4	4	10	0	6	15	2	13	14	4
2 0 6	0	9	1	2	4	5	3	6	7	6	13	7	0	13	6	3	6	7	5	2	3	10	4	6	1	2	2	4	9	2	6	13	7	13	11	6
2 1 0	0	9	0	2	4	1	3	6	2	6	12	4	0	13	4	3	6	2	5	1	3	10	2	6	1	2	0	4	8	2	6	12	4	13	9	0
2 1 6	0	8	7	2	3	6	3	5	5	6	11	2	0	13	3	3	5	5	5	0	3	10	0	6	1	1	7	4	7	4	6	11	2	13	6	4
2 2 0	0	8	6	2	3	2	3	5	0	6	10	0	0	13	2	3	5	0	4	15	3	9	14	7	1	1	5	4	6	4	6	10	0	13	4	0
2 2 6	0	8	6	2	2	7	3	4	3	6	8	6	0	13	1	3	4	3	4	14	4	9	13	0	1	1	4	4	5	6	6	8	6	13	1	4
2 3 0	0	8	5	2	2	4	3	3	6	6	7	4	0	12	7	3	3	6	4	13	4	9	11	1	1	1	2	4	5	0	6	7	4	12	15	0
2 3 6	0	8	4	2	2	1	3	3	1	6	6	2	0	12	6	3	3	1	4	12	5	9	9	3	1	1	0	4	4	2	6	6	2	12	12	4
2 4 0	0	8	3	2	1	5	3	2	4	6	5	1	0	12	5	3	2	4	4	11	6	9	7	5	1	0	6	4	3	2	6	5	1	12	10	2
2 4 6	0	8	2	2	1	2	3	2	0	6	4	0	0	12	4	3	2	0	4	11	0	9	6	0	1	0	5	4	2	4	6	4	0	12	8	0
2 5 0	0	8	2	2	0	7	3	1	3	6	2	7	0	12	3	3	1	3	4	10	1	9	4	2	1	0	4	4	1	6	6	2	7	12	5	6
2 5 6	0	8	1	2	0	5	3	0	7	6	1	6	0	12	2	3	0	7	4	9	2	9	2	4	1	0	2	4	1	2	6	1	6	12	3	4
2 6 0	0	8	0	2	0	2	3	0	3	6	0	6	0	12	1	3	0	3	4	8	4	9	1	0	1	0	1	4	0	4	6	0	6	12	1	4
2 6 6	0	8	0	1	15	7	2	15	7	5	15	5	0	12	0	2	15	7	4	7	6	8	15	4	0	15	7	3	15	6	5	15	5	11	15	4
2 7 0	0	7	7	1	15	4	2	15	2	5	14	4	0	11	7	2	15	2	4	7	1	8	14	2	0	15	6	3	15	0	5	14	4	11	13	0
2 7 6	0	7	6	1	15	2	2	14	7	5	13	5	0	11	6	2	14	7	4	6	3	8	12	6	0	15	5	3	14	4	5	13	5	11	11	2
2 8 0	0	7	6	1	14	7	2	14	3	5	12	6	0	11	5	2	14	3	4	5	4	8	11	0	0	15	3	3	13	6	5	12	6	11	9	4
2 8 6	0	7	5	1	14	4	2	13	7	5	11	6	0	11	4	2	13	7	4	4	6	8	9	5	0	15	2	3	13	0	5	11	6	11	7	4
2 9 0	0	7	4	1	14	2	2	13	3	5	10	6	0	11	3	2	13	3	4	4	0	8	8	1	0	15	1	3	12	4	5	10	6	11	5	4
2 9 6	0	7	4	1	14	0	2	13	0	5	9	7	0	11	2	2	13	0	4	3	3	8	6	6	0	15	0	3	12	0	5	9	7	11	3	6
2 10 0	0	7	3	1	13	5	2	12	4	5	9	0	0	11	1	2	12	4	4	2	6	8	5	4	0	14	6	3	11	2	5	9	0	11	2	0
2 10 6	0	7	3	1	13	3	2	12	0	5	8	1	0	11	0	2	12	0	4	2	0	8	4	1	0	14	5	3	10	6	5	8	1	11	0	2
2 11 0	0	7	2	1	13	0	2	11	5	5	7	2	0	10	7	2	11	5	4	1	3	8	2	7	0	14	4	3	10	0	5	7	2	10	14	4
2 11 6	0	7	1	1	12	6	2	11	1	5	6	3	0	10	6	2	11	1	4	0	6	8	1	4	0	14	3	3	09	4	5	6	3	10	12	6

Price of the Quarter with Allowance.	White Loaf.								Wheaten Loaf.								Houſhold Loaf.							
	Penny.		Four Penny.		Six Penny.		Twelve Penny.		Penny.		Four Penny.		Six Penny.		Twelve Penny.		Penny.		Four Penny.		Six Penny.		Twelve Penny.	
l. s. d.	p.	o. d.	p.	o. d.	p.	o. d.	p.	o. d.	p.	o. d.	p.	o. d.	p.	o. d.	p.	o. d.	p.	o. d.	p.	o. d.	p.	o. d.	p.	o. d.
2 12 0	0	7 1	1	12 4	2	10 6	5	5 4	0	10 5	2	10 6	4	0 1	8	0 2	0	14 2	3	9 0	5	5 4	10	11 0
2 12 6	0	7 0	1	12 2	2	10 3	5	4 6	0	10 5	2	10 3	3	15 4	7	15 1	0	14 1	3	8 4	5	4 6	10	9 4
2 13 0	0	7 0	1	12 0	2	10 0	5	4 0	0	10 4	2	10 0	3	14 7	7	13 7	0	14 0	3	8 0	5	4 0	10	8 0
2 13 6	0	6 7	1	11 6	2	9 5	5	3 1	0	10 3	2	9 5	3	14 3	7	12 6	0	13 7	3	7 4	5	3 1	10	6 2
2 14 0	0	6 7	1	11 4	2	9 1	5	2 3	0	10 2	2	9 1	3	13 6	7	11 4	0	13 6	3	7 0	5	2 3	10	4 6
2 14 6	0	6 6	1	11 1	2	8 6	5	1 5	0	10 1	2	8 6	3	13 2	7	10 4	0	13 4	3	6 2	5	1 5	10	3 2
2 15 0	0	6 6	1	10 7	2	8 3	5	0 7	0	10 1	2	8 3	3	12 5	7	9 2	0	13 3	3	5 6	5	0 7	10	1 6
2 15 6	0	6 5	1	10 6	2	8 0	5	0 1	0	10 0	2	8 0	3	12 1	7	8 2	0	13 3	3	5 4	5	0 1	10	0 2
2 16 0	0	6 5	1	10 4	2	7 6	4	15 4	0	9 7	2	7 6	3	11 4	7	7 1	0	13 2	3	5 0	4	15 4	9	15 0
2 16 6	0	6 4	1	10 2	2	7 3	4	14 6	0	9 7	2	7 3	3	11 0	7	6 1	0	13 1	3	4 4	4	14 6	9	13 4
2 17 0	0	6 4	1	10 0	2	7 0	4	14 0	0	9 6	2	7 0	3	10 4	7	5 0	0	13 0	3	4 0	4	14 0	9	12 0
2 17 6	0	6 3	1	9 6	2	6 5	4	13 3	0	9 5	2	6 5	3	10 0	7	4 0	0	12 7	3	3 4	4	13 3	9	10 6
2 18 0	0	6 3	1	9 4	2	6 3	4	12 6	0	9 5	2	6 3	3	9 4	7	3 0	0	12 6	3	3 0	4	12 6	9	9 4
2 18 6	0	6 2	1	9 2	2	6 0	4	12 0	0	9 4	2	6 0	3	9 0	7	2 0	0	12 5	3	2 4	4	12 0	9	8 0
2 19 0	0	6 2	1	9 1	2	5 5	4	11 3	0	9 3	2	5 5	3	8 4	7	1 0	0	12 4	3	2 2	4	11 3	9	6 6
2 19 6	0	6 1	1	8 7	2	5 3	4	10 6	0	9 3	2	5 3	3	8 0	7	0 0	0	12 3	3	1 6	4	10 6	9	5 4
3 0 0	0	6 1	1	8 5	2	5 0	4	10 0	0	9 2	2	5 0	3	7 4	6	15 1	0	12 3	3	1 2	4	10 0	9	4 0
3 0 6	0	6 1	1	8 4	2	4 6	4	9 4	0	9 1	2	4 6	3	7 1	6	14 2	0	12 2	3	1 0	4	9 4	9	3 0
3 1 0	0	6 0	1	8 2	2	4 3	4	8 7	0	9 1	2	4 3	3	6 5	6	13 3	0	12 1	3	0 4	4	8 7	9	1 6
3 1 6	0	6 0	1	8 1	2	4 1	4	8 2	0	9 0	2	4 1	3	6 2	6	12 4	0	12 0	3	0 2	4	8 2	9	0 4
3 2 0	0	5 7	1	7 7	2	3 7	4	7 6	0	9 0	2	3 7	3	5 6	6	11 5	0	11 7	2	15 6	4	7 6	8	15 4
3 2 6	0	5 7	1	7 5	2	3 4	4	7 1	0	8 7	2	3 4	3	5 3	6	10 6	0	11 7	2	15 2	4	7 1	8	14 2
3 3 0	0	5 7	1	7 4	2	3 2	4	6 4	0	8 6	2	3 2	3	4 7	6	9 7	0	11 6	2	15 0	4	6 4	8	13 0
3 3 6	0	5 6	1	7 3	2	3 0	4	6 0	0	8 6	2	3 0	3	4 4	6	9 0	0	11 5	2	14 6	4	6 0	8	12 0
3 4 0	0	5 6	1	7 1	2	2 6	4	5 4	0	8 5	2	2 6	3	4 1	6	8 2	0	11 4	2	14 2	4	5 4	8	11 0
3 4 6	0	5 6	1	7 0	2	2 4	4	5 0	0	8 5	2	2 4	3	3 5	6	7 3	0	11 4	2	14 0	4	5 0	8	10 0
3 5 0	0	5 5	1	6 6	2	2 1	4	4 2	0	8 4	2	2 1	3	3 2	6	6 5	0	11 3	2	13 4	4	4 2	8	8 4
3 5 6	0	5 5	1	6 4	2	2 0	4	4 0	0	8 3	2	2 0	3	2 7	6	5 7	0	11 2	2	13 2	4	4 0	8	8 0
3 6 0	0	5 5	1	6 4	2	1 6	4	3 4	0	8 3	2	1 6	3	2 4	6	5 5	0	11 2	2	12 7	4	3 4	8	7 6
3 6 6	0	5 4	1	6 2	2	1 4	4	3 2	0	8 2	2	1 4	3	2 2	6	5 5	0	11 0	2	12 4	4	3 2	8	7 4

Price of the Quarter with Allowance.	White Loaf.												Wheaten Loaf.												Houſhold Loaf.											
	Penny.			Four Penny.			Six Penny.			Twelve Penny.			Penny.			Four Penny.			Six Penny.			Twelve Penny.			Penny.			Four Penny.			Six Penny.			Twelve Penny.		
l. s. d.	p.	o.	d.	p.	o.	d.	p.	o.	d.	p.	o.	d.	p.	o.	d.	p.	o.	d.	p.	o.	d.	p.	o.	d.	p.	o.	d.	p.	o.	d.	p.	o.	d.	p.	o.	d.
3 7 0	0	5	4	1	6	0	2	1	1	4	2	2	0	8	2	2	1	1	3	1	6	6	3	4	0	11	0	2	12	0	4	2	2	8	4	4
3 7 6	0	5	4	1	6	0	2	0	7	4	1	7	0	8	2	2	0	7	3	1	3	6	2	7	0	11	0	2	11	7	4	1	7	8	3	6
3 8 0	0	5	4	1	5	6	2	0	5	4	1	3	0	8	1	2	0	5	3	1	0	6	2	1	0	10	7	2	11	5	4	1	3	8	2	6
3 8 6	0	5	3	1	5	5	2	0	4	4	0	7	0	8	1	2	0	4	3	0	6	6	1	4	0	10	7	2	11	2	4	0	7	8	1	6
3 9 0	0	5	3	1	5	4	2	0	2	4	0	4	0	8	0	2	0	2	3	0	3	6	0	6	0	10	6	2	11	0	4	0	4	8	1	0
3 9 6	0	5	3	1	5	3	2	0	0	4	0	0	0	8	0	2	0	0	3	0	0	6	0	0	0	10	6	2	10	5	4	0	0	8	0	0
3 10 0	0	5	2	1	5	1	1	15	6	3	15	4	0	7	7	1	15	6	2	15	5	5	15	2	0	10	5	2	10	3	3	15	4	7	15	0
3 10 6	0	5	2	1	5	0	1	15	4	3	15	1	0	7	7	1	15	4	2	15	2	5	14	5	0	10	5	2	10	0	3	15	1	7	14	2
3 11 0	0	5	2	1	4	7	1	15	2	3	14	5	0	7	6	1	15	2	2	15	0	5	14	0	0	10	4	2	9	6	3	14	5	7	13	2
3 11 6	0	5	1	1	4	6	1	15	1	3	14	2	0	7	6	1	15	1	2	14	5	5	13	2	0	10	3	2	9	4	3	14	2	7	12	4
3 12 0	0	5	1	1	4	5	1	14	7	3	13	6	0	7	6	1	14	7	2	14	3	5	12	6	0	10	3	2	9	1	3	13	6	7	11	4
3 12 6	0	5	1	1	4	3	1	14	5	3	13	3	0	7	5	1	14	5	2	14	0	5	12	0	0	10	2	2	8	7	3	13	3	7	10	6
3 13 0	0	5	1	1	4	2	1	14	4	3	12	7	0	7	5	1	14	4	2	13	6	5	11	4	0	10	2	2	8	5	3	12	7	7	9	6
3 13 6	0	5	0	1	4	1	1	14	2	3	12	4	0	7	4	1	14	2	2	13	3	5	10	6	0	10	1	2	8	3	3	12	4	7	9	0
3 14 0	0	5	0	1	4	0	1	14	0	3	12	1	0	7	4	1	14	0	2	13	1	5	10	2	0	10	1	2	8	0	3	12	1	7	8	2
3 14 6	0	5	0	1	3	7	1	13	7	3	11	6	0	7	4	1	13	7	2	12	6	5	9	4	0	10	0	2	7	6	3	11	6	7	7	4
3 15 0	0	4	7	1	3	6	1	13	5	3	11	2	0	7	3	1	13	5	2	12	4	5	9	0	0	9	7	2	7	4	3	11	2	7	6	4
3 15 6	0	4	7	1	3	5	1	13	4	3	11	0	0	7	3	1	13	4	2	12	1	5	8	3	0	9	7	2	7	2	3	11	0	7	6	0
3 16 0	0	4	7	1	3	4	1	13	2	3	10	4	0	7	2	1	13	2	2	11	7	5	7	6	0	9	6	2	7	0	3	10	4	7	5	0
3 16 6	0	4	7	1	3	3	1	13	1	3	10	1	0	7	2	1	13	1	2	11	5	5	7	2	0	9	6	2	6	6	3	10	1	7	4	2
3 17 0	0	4	6	1	3	2	1	12	7	3	9	6	0	7	2	1	12	7	2	11	2	5	6	5	0	9	5	2	6	4	3	9	6	7	3	4
3 17 6	0	4	6	1	3	1	1	12	5	3	9	3	0	7	1	1	12	5	2	11	0	5	6	1	0	9	4	2	6	2	3	9	3	7	2	6
3 18 0	0	4	6	1	3	0	1	12	4	3	9	0	0	7	1	1	12	4	2	10	6	5	5	4	0	9	4	2	6	0	3	9	0	7	2	0
3 18 6	0	4	6	1	2	7	1	12	2	3	8	5	0	7	1	1	12	2	2	10	4	5	5	0	0	9	3	2	5	6	3	8	5	7	1	2
3 19 0	0	4	5	1	2	6	1	12	1	3	8	2	0	7	0	1	12	1	2	10	2	5	4	4	0	9	3	2	5	4	3	8	2	7	0	4
3 19 6	0	4	5	1	2	5	1	12	0	3	8	0	0	7	0	1	12	0	2	10	0	5	4	0	0	9	3	2	5	2	3	8	0	7	0	0
4 0 0	0	4	5	1	2	4	1	11	6	3	7	5	0	7	0	1	11	6	2	9	6	5	3	3	0	9	2	2	5	0	3	7	5	6	15	2
4 0 6	0	4	5	1	2	3	1	11	5	3	7	2	0	6	7	1	11	5	2	9	3	5	2	7	0	9	2	2	4	6	3	7	2	6	14	4
4 1 0	0	4	5	1	2	2	1	11	4	3	6	7	0	6	7	1	11	4	2	9	1	5	2	3	0	9	1	2	4	4	3	6	7	6	13	6
4 1 6	0	4	4	1	2	1	1	11	2	3	6	4	0	6	7	1	11	2	2	8	7	5	1	7	0	9	1	2	4	2	3	6	4	6	13	0

Price of the Quarter with Allowance.	White Loaf.												Wheaten Loaf.												Houſhold Loaf.											
	Penny.			Four Penny.			Six Penny.			Twelve Penny.			Penny.			Four Penny.			Six Penny.			Twelve Penny.			Penny.			Four Penny.			Six Penny.			Twelve Penny.		
l. s. d.	p.	o.	d.	p.	o.	d.	p.	o.	d.	p.	o.	d.	p.	o.	d.	p.	o.	d.	p.	o.	d.	p.	o.	d.	p.	o.	d.	p.	o.	d.	p.	o.	d.	p.	o.	d.
4 2 0	0	4	4	1	2	0	1	11	1	3	6	2	0	6	6	1	11	1	2	8	5	5	1	3	0	9	0	2	4	0	3	6	2	6	12	4
4 2 6	0	4	4	1	1	7	1	11	0	3	6	0	0	6	6	1	11	0	2	8	3	5	0	7	0	9	0	2	3	6	3	6	0	6	12	0
4 3 0	0	4	4	1	1	7	1	10	6	3	5	5	0	6	6	1	10	6	2	8	1	5	0	3	0	8	7	2	3	5	3	5	5	6	11	2
4 3 6	0	4	3	1	1	6	1	10	5	3	5	2	0	6	5	1	10	5	2	8	0	4	15	7	0	8	7	2	3	4	3	5	2	6	10	4
4 4 0	0	4	3	1	1	5	1	10	4	3	5	0	0	6	5	1	10	4	2	7	6	4	15	3	0	8	7	2	3	2	3	5	0	6	10	0
4 4 6	0	4	3	1	1	4	1	10	2	3	4	5	0	6	5	1	10	2	2	7	4	4	15	0	0	8	6	2	3	0	3	4	5	6	9	2
4 5 0	0	4	3	1	1	3	1	10	1	3	4	2	0	6	4	1	10	1	2	7	2	4	14	4	0	8	6	2	2	6	3	4	2	6	8	4
4 5 6	0	4	3	1	1	2	1	10	0	3	4	0	0	6	4	1	10	0	2	7	0	4	14	0	0	8	5	2	2	4	3	4	0	6	8	0
4 6 0	0	4	2	1	1	2	1	9	7	3	3	6	0	6	4	1	9	7	2	6	6	4	13	4	0	8	5	2	2	4	3	3	6	6	7	4
4 6 6	0	4	2	1	1	1	1	9	6	3	3	3	0	6	3	1	9	6	2	6	4	4	13	1	0	8	5	2	2	2	3	3	3	6	6	2
4 7 0	0	4	2	1	1	0	1	9	4	3	3	1	0	6	3	1	9	4	2	6	2	4	12	5	0	8	4	2	2	0	3	3	1	6	6	0
4 7 6	0	4	2	1	0	7	1	9	3	3	2	7	0	6	3	1	9	3	2	6	1	4	12	2	0	8	4	2	1	6	3	2	7	6	5	6
4 8 0	0	4	2	1	0	6	1	9	2	3	2	4	0	6	2	1	9	2	2	5	7	4	11	6	0	8	3	2	1	4	3	2	4	6	5	4
4 8 6	0	4	1	1	0	6	1	9	1	3	2	2	0	6	2	1	9	1	2	5	5	4	11	3	0	8	3	2	1	4	3	2	2	6	4	4
4 9 0	0	4	1	1	0	5	1	9	0	3	2	0	0	6	2	1	9	0	2	5	4	4	11	0	0	8	3	2	1	2	3	2	0	6	4	0
4 9 6	0	4	1	1	0	4	1	8	7	3	1	5	0	6	1	1	8	7	2	5	2	4	10	4	0	8	2	2	1	0	3	1	7	6	3	2
4 10 0	0	4	1	1	0	3	1	8	6	3	1	4	0	6	1	1	8	6	2	5	0	4	10	1	0	8	2	2	0	6	3	1	5	6	3	0
4 10 6	0	4	1	1	0	3	1	8	4	3	1	1	0	6	1	1	8	4	2	4	7	4	9	6	0	8	1	2	0	4	3	1	3	6	2	6
4 11 0	0	4	0	1	0	2	1	8	3	3	0	7	0	6	1	1	8	3	2	4	5	4	9	2	0	8	1	2	0	4	3	1	1	6	2	6
4 11 6	0	4	0	1	0	1	1	8	2	3	0	5	0	6	1	1	8	2	2	4	4	4	8	7	0	8	1	2	0	2	3	0	0	5	6	1
4 12 0	0	4	0	1	0	1	1	8	1	3	0	3	0	6	0	1	8	1	2	4	2	4	8	4	0	8	0	2	0	2	3	0	0	3	6	0
4 12 6	0	4	0	1	0	0	1	8	0	3	0	1	0	6	0	1	8	0	2	4	0	4	8	1	0	8	0	2	0	0	3	0	0	2	6	0
4 13 0	0	4	0	0	15	7	1	7	7	2	15	6	0	6	0	1	7	7	2	3	7	4	7	6	0	8	0	1	15	6	2	15	6	5	15	4
4 13 6	0	4	0	0	15	7	1	7	6	2	15	4	0	5	7	1	7	6	2	3	5	4	7	3	0	7	7	1	15	6	2	15	4	5	15	2
4 14 0	0	3	7	0	15	6	1	7	5	2	15	2	0	5	7	1	7	5	2	3	4	4	7	0	0	7	7	1	15	4	2	15	2	5	14	4
4 14 6	0	3	7	0	15	5	1	7	4	2	15	0	0	5	7	1	7	4	2	3	2	4	6	5	0	7	7	1	15	3	2	15	0	5	14	0
4 15 0	0	3	7	0	15	4	1	7	3	2	14	6	0	5	7	1	7	3	2	3	1	4	6	2	0	7	6	1	15	2	2	14	6	5	13	4
4 15 6	0	3	7	0	15	4	1	7	2	2	14	4	0	5	6	1	7	2	2	2	7	4	5	4	0	7	6	1	14	7	2	14	4	5	13	2
4 16 0	0	3	7	0	15	3	1	7	1	2	14	3	0	5	6	1	7	1	2	2	6	4	5	3	0	7	6	1	14	6	2	14	3	5	13	0

Price of the Quarter with Allowance.	White Loaf.												Wheaten Loaf.												Houſhold Loaf.											
	Penny.			Four Penny.			Six Penny.			Twelve Penny.			Penny.			Four Penny.			Six Penny.			Twelve Penny.			Penny.			Four Penny.			Six Penny.			Twelve Penny.		
l. s. d.	p.	o.	d.	p.	o.	d.	p.	o.	d.	p.	o.	d.	p.	o.	d.	p.	o.	d.	p.	o.	d.	p.	o.	d.	p.	o.	d.	p.	o.	d.	p.	o.	d.	p.	o.	d.
4 16 6	0	3	7	0	15	3	1	7	0	2	14	2	0	5	6	1	7	0	2	2	5	4	5	2	0	7	6	1	14	5	2	14	2	5	13	0

Price of the Quarter with Allowance.	White Loaf.				Wheaten Loaf.				Houſhold Loaf.			
	Penny.	Four Penny.	Six Penny.	Twelve Penny.	Penny.	Four Penny.	Six Penny.	Twelve Penny.	Penny.	Four Penny.	Six Penny.	Twelve Penny.
l. s. d.	*p. o. d.*	*p. o. d.*	*p. o. d.*	*p. o. d.*	*p. o. d.*	*p. o. d.*	*p. o. d.*	*p. o. d.*	*p. o. d.*	*p. o. d.*	*p. o. d.*	*p. o. d.*
4 16 6	0 03 7	0 15 3	1 07 0	02 14 0	0 05 6	1 07 0	2 2 5	4 5 1	0 7 5	1 14 6	2 14 0	5 12 0
4 17 0	0 03 6	0 15 2	1 06 7	02 13 7	0 05 6	1 06 7	2 2 3	4 4 6	0 7 5	1 14 4	2 13 7	5 11 6
4 17 6	0 03 6	0 15 1	1 06 6	02 13 5	0 05 5	1 06 6	2 2 2	4 4 3	0 7 5	1 14 3	2 13 5	5 11 2
4 18 0	0 03 6	0 15 1	1 06 5	02 13 3	0 05 5	1 06 5	2 2 0	4 4 0	0 7 4	1 14 2	2 13 3	5 10 6
4 18 6	0 03 6	0 15 0	1 06 4	02 13 1	0 05 5	1 06 4	2 1 7	4 3 6	0 7 4	1 14 1	2 13 1	5 10 2
4 19 0	0 03 6	0 15 0	1 06 4	02 12 7	0 05 5	1 06 4	2 1 5	4 3 4	0 7 4	1 13 7	2 12 7	5 9 6
4 19 6	0 03 6	0 14 7	1 06 3	02 12 5	0 05 5	1 06 3	2 1 4	4 3 0	0 7 3	1 13 7	2 12 5	5 9 2
5 00 0	0 03 6	0 14 6	1 06 2	02 12 4	0 05 4	1 06 2	2 1 3	4 2 6	0 7 3	1 13 5	2 12 4	5 9 0

EXPLANATION.

IN the firſt column is the price of the quarter of wheat, which is two barrels, the allowance of the magiſtrate to the baker, which is ſix ſhillings the quarter for baking, being included; and in the other columns is the weight of the ſeveral loaves, ſo that (for example) if the price of wheat is two pounds the quarter, and the magiſtrates allowance ſix ſhillings to the baker for baking, then even with two pounds ſix ſhillings in the firſt column, will be found the weight of the ſeveral loaves.

Note, The white loaves are one half, and the wheaten three quarters of the houſhold loaves.

A. D. 1727.

CHAP. XVII.

An act for continuing several temporary statutes made in this kingdom, now near expiring.

WHEREAS an act passed in the eighth year of his late Majesty's reign, intituled, *An act for the further amendment of the laws in relation to butter and tallow casks, hides, and other commodities of this kingdom; and for preventing the destruction of salmon*; which said act was continued and amended by an act made in the tenth year of his said late Majesty's reign, intituled, *An act for continuing and amending of the laws in relation to butter and tallow, and the casks, in which such goods are to be made up, and in relation to the curing of hides, and making up of beef and pork for exportation and for preventing the destruction of salmon*; and explained and amended by another act made in the twelfth year of his late Majesty's reign, intituled, *An act for explaining and amending an act*, intituled, *An act for continuing and amending of the laws in relation to butter and tallow, and the casks in which such goods are to be made up, and in relation to the curing of hides, and making up of beef and pork for exportation; and for preventing the destruction of salmon*; which said act was made to continue and be in force only for two years, and from thenceforth to the end of the then next session of Parliament and no longer, and is now near expiring; but, being found to be useful, is therefore fit to be continued: be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That the said last mentioned act, and every clause, article, and proviso therein contained be continued, and shall be in full force to all intents and purposes, to the twenty fifth day of March, which shall be in the year of our Lord one thousand seven hundred and thirty, and from thence to the end of the then next session of Parliament, and no longer.

Butter, &c 8 *G.* 1. 7.

Continued and amended 10 *G.* 1. 9.

Explained and amended 12 *G.* 1. 5.

near expiring,

continued to 25 March 1730, *&c. & by* 21 *G.* 2. 7. *to* 29 *Sept.* 1769, &c.

II. And whereas an act of Parliament was made in the twelfth year of his said late Majesty's reign, intituled, *An act to prevent the fraudulent and clandestine importing of goods*; which said act of Parliament was made to continue and be in force only until the twenty fifth day of March, which shall be in the year of our Lord one thousand seven hundred and twenty eight, and from thence to the end of the then next session of Parliament, and no longer, and is now near expiring; but, being found to be useful, and a most necessary law, is therefore fit to be continued: be it enacted by the authority aforesaid, That

Customs 12 *G.* 1. 2.

continued to 25 March 1730.

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That the ſaid act, and every clauſe, article, and proviſo therein contained, be continued, and ſhall be in full force to all intents and purpoſes, to the twenty fifth day of March, which ſhall be in the year of our Lord one thouſand ſeven hundred and thirty, and from thence to the end of the then next ſeſſion of Parliament, and no longer.

Repealed 33 G. 2. 10.

III. And whereas by an act of Parliament made in the fifteenth year of the reign of King Charles the firſt, intituled, *An act againſt diſcontinuances of writs of error in the court of Exchequer, and for the better expedition in giving judgment therein*, it is among other things enacted, "That judgment ſhall and may be given "by the lord chancellor, lord treaſurer, or vice-treaſurer in the "abſence of the lord treaſurer, and in the preſence and by the "advice of both the chief juſtices of either bench, in every or "any ſuch ſuit or writ of error; and that all and every ſuch "judgment, ſo thereafter to be given, ſhall be good, valid, and ef-"fectual in the law to all intents and purpoſes:" and whereas it may happen, that the ſaid lord treaſurer and vice-treaſurer may both be abſent from this kingdom, and that it may be inconvenient at all times to require the attendance of both the ſaid chief juſtices at the time, when ſuch judgment ſhall be given: be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the lord chancellor, in the abſence of the lord treaſurer and vice-treaſurer, in the preſence and by the advice of both or either of the ſaid chief juſtices, to give judgment in every or any ſuch ſuit or writ of error; and that all and every ſuch judgment ſo given ſhall be good, valid, and effectual in the law to all intents and purpoſes, notwithſtanding any matter or thing in the ſaid former act or in any other act contained to the contrary; and that in the abſence of the lord chancellor both or either of the ſaid chief juſtices may upon motion iſſue proceſs, and make rules, to compel the plaintiff to aſſign his errors in any ſuit depending in the ſaid court.

Error 15 C. 1. 5.

The chancellor, in abſence of the treaſurer and vice-treaſurer, may in preſence of both or either of the chief juſtices give judgment in error.

31 *Eliz.* 1. *Eng.*

16 *C.* 2. 2. *Eng.*

20 *C.* 2. 4. *Eng.*

and in abſence of the chancellor both or either of chief juſtices may on motion compel plaintiff to aſſign errors.

IV. And whereas it is often neceſſary to make perſons defendants in cauſes depending in courts of equity, who are only truſtees, and no otherwiſe concerned in intereſt in the event of ſuch ſuits, and ſuch truſtees, though duly ſerved with all the uſual proceſs of the ſaid courts to compel defendants to appear and anſwer, have frequently refuſed or neglected to appear, and for want of ſuch appearance the plaintiff or plaintiffs in ſuch ſuits cannot, as the law now ſtands, bring the ſaid cauſes to a hearing, whereby the ſuitors have been put to great expence and delay: for remedy whereof be it enacted by the authority aforeſaid, That in all ſuits, which ſhall be commenced by Engliſh bill in the high court of Chancery or court of Exchequer in this kingdom from

Cauſes in equity delayed for want of appearance of truſtees,

from and after the twenty fifth day of March, which ſhall be in the year of our Lord one thouſand ſeven hundred and twenty eight it ſhall and may be lawful to and for the ſaid courts of Chancery and Exchequer reſpectively to proceed to hear and determine all ſuch cauſes depending before them reſpectively, and to make ſuch decree and decrees therein againſt every perſon and perſons, who ſhall appear to them to have been duly ſerved with the proceſs of the ſaid courts, and to have ſtood out the proceſs of the ſaid courts to a ſequeſtration, and to be only a truſtee or truſtees, and no otherwiſe concerned in intereſt in the matter in queſtion, in ſuch and the ſame manner as if ſuch truſtee or truſtees had duly appeared and put in his, her, or their anſwer; any law, cuſtom, or uſage to the contrary thereof in any wiſe notwithſtanding.

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Chancery or Exchequer may proceed to decree againſt truſtees ſtanding out proceſs to ſequeſtration.

5 G. 2. 4. *an abſolute decree.*

5 G. 2. 8. *where truſtee can't be found.*

CHAP. XVIII.

An Act to enable archbiſhops, biſhops, and other eccleſiaſtical perſons and corporations, to grant their patronage, or right of preſentation, or nomination to ſmall livings, to ſuch perſons as ſhall augment the ſame; and alſo to enable archbiſhops and biſhops, and other eccleſiaſtical perſons therein mentioned, to make agreements with their tenants for the incloſing and improving their woods.

WHEREAS there are many parſonages, vicarages, and curacies in this kingdom of ſo ſmall a value, that the income thereof is not ſufficient for the ſupport of a reſident miniſter to officiate and ſerve therein; by reaſon whereof many papiſts, who might be converted to the church of Ireland as by law eſtabliſhed, for want of ſuch fit and able perſons to inſtruct them not only continue in their errors, and educate their children in the ſame, but are daily making converts thereto, and there is too often ſeen in ſuch places a great neglect of all religious worſhip and true chriſtian piety, to the great diſhonour of God and religion: and whereas the archbiſhops, biſhops, and other eccleſiaſtical perſons and corporations in this kingdom, are in right of their archbiſhopricks, biſhopricks, and churches, intituled to the patronage or right of preſentation and nomination to many ſuch ſmall benefices and cures, and for preventing the like evil conſequences for the future are diſpoſed to grant the ſame to ſuch good and pious perſons, as ſhall augment ſuch ſmall benefices and cures with a competent proviſion for the ſupport of the perſon officiating therein, but are by law diſabled to make ſuch grants: and whereas it is neceſſary, that the clear improved yearly value of ſuch ſmall benefices and curacies, which by this act are intended

Many vicarages, &c. of too ſmall value:

Miſchiefs thereof:

Biſhops, &c. diſpoſed to grant the patronage to ſuch as ſhall augment, but by law diſabled.

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intended to be augmented, ſhould be aſcertained as exactly, as may be: be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the reſpective archbiſhops and biſhops of every dioceſs ſhall be and are hereby impowered and required from time to time, as they ſhall ſee occaſion, as well by the oath of two or more credible witneſſes (which they, or others commiſſioned by them under their hands and ſeals, are hereby impowered to adminiſter) as by all other lawful ways and means, to inform themſelves of the clear improved yearly value of all and every benefice, living with cure of ſouls, and curacies, which are commonly reputed not to exceed thirty pounds *per annum*, and of the true improved clear yearly value of the profits accruing to the parſon, vicar, curate, or miniſter officiating therein, within their ſeveral dioceſſes, and how ſuch yearly values ariſe, with the other circumſtances thereof, and the ſame, or ſuch of them whereof they have lawfully informed themſelves, from time to time to certify under their reſpective hands and epiſcopal ſeals to the truſtees and commiſſioners of the firſt fruits payable out of eccleſiaſtical benefices, mentioned and incorporated in and by an act made in the tenth year of the reign of his late Majeſty King George the firſt and intituled, *An act for amending an act*, intituled, *An act for confirming the ſeveral grants made by her late Majeſty of the firſt fruits and twentieth parts, payable out of the eccleſiaſtical benefices in this kingdom; and alſo for giving the archbiſhops and other eccleſiaſtical perſons four years time for the payment of firſt fruits; and for incorporating the truſtees and commiſſioners of the ſaid firſt fruits*: which ſaid truſtees and commiſſioners of the firſt fruits are hereby required with all convenient ſpeed to enter the ſaid certificates in a book, to be provided and kept by them for that purpoſe; and the ſaid entries being ſo made, atteſted, and ſubſcribed by the *quorum* of the ſaid commiſſioners in the ſaid act mentioned and appointed, or more of them, ſhall be deemed and taken as records, and evidence of the true improved yearly value of ſuch benefice, living, or curacy; and no other or different value ſhall be admitted or allowed to be proved in any ſuit at law or in equity touching any grant or augmentation, which ſhall be after made thereof by virtue or in purſuance of this preſent act.

Biſhops ſhall inquire of the clear improved yearly value of benefices, &c. reputed not above 30 l. *per ann.*

and of the profits accruing to the parſon, with the circumſtances,

and certify to truſtees of firſt fruits,

10 *G.* 1. 7.

to be entered by them, atteſted, &c.

which ſhall be evidence of the true improved value.

II. And be it further enacted by the authority aforeſaid, That after ſuch certificate ſhall be returned ſo approved of, and entered and ſubſcribed by the *quorum* of the ſaid truſtees or commiſſioners, or more of them as aforeſaid, it ſhall and may be lawful to

after which any perſon may augment benefices, &c. whereof advowſons be-

and

and for any perſon or perſons, bodies politic or corporate, to endow or augment any living, benefice, or curacy, whereof the advowſons right of patronage, preſentation, or nomination, ſhall belong to any archbiſhop, biſhop, dean, or dean and chapter reſpectively, which ſhall in manner aforeſaid appear to be under or of the clear yearly value of thirty pounds and not more, with any lands, tythes, tenements, or hereditaments of the clear yearly value of thirty pounds or more: provided ſuch augmentation ſhall not exceed the ſum of ſeventy pounds *per annum*: and from and after ſuch endowment and augmentation, the perſon or perſons, who ſhall ſo endow and augment the ſame, in caſe the ſame be made by and with the conſent and approbation of the archbiſhop, biſhop, dean, or dean and chapter reſpectively, who ſhall be at the time of ſuch endowment or augmentation ſeized of or intituled to the advowſon, right of patronage, preſentation, or nomination of or to ſuch endowed or augmented benefice, living, or curacy and not otherwiſe, by ſettling and conveying lands, tythes, tenements, or hereditaments, to and upon the rector, vicar, or curate of ſuch benefice, living, or curacy, for the uſe of him and his ſucceſſors in the ſaid augmented benefice, living, or curacy, ſhall for ever after be deemed and taken to be true and only patron or patrons of ſuch augmented benefice, living, or curacy; and from and after ſuch endowment and augmentation ſhall be made as aforeſaid, it ſhall and may be lawful to and for all and every the archbiſhops, biſhops, deans, and deans and chapters, who are or ſhall be, at or before ſuch endowment or augmentation ſhall be made as aforeſaid, ſeized of or intituled unto the advowſon, right of patronage, preſentation, or nomination of or to ſuch endowed or augmented benefice, living, or curacy, and they are hereby reſpectively authorized and required, to convey and make over the advowſon, right of patronage, preſentation, or nomination of and to ſuch endowed or augmented benefice, living, or curacy, to the perſon or perſons endowing or augmenting the ſame in manner aforeſaid, his and their heirs and aſſigns for ever; any law or ſtatute to the contrary notwithſtanding.

Biſhops, deans, or dean and chapter, ſo appearing to be under or of 30 l. *per ann.*

Augmentation not to exceed 70 l. *per ann.*

Perſon augmenting by conveying lands, tithes, &c. to uſe of the incumbent and his ſucceſſors, if with conſent of biſhop, &c. intitled to the advowſon,

and the biſhop, &c. ſhall convey the right to him and his heirs.

III. And be it further enacted by the authority aforeſaid, That where two or more perſons ſhall join in or contribute to the endowment or augmentation of any ſuch benefice, living, or curacy in manner aforeſaid, ſuch perſons, their heirs and aſſigns reſpectively, ſhall preſent or nominate to ſuch benefice, living, or curacy, by them endowed and augmented as aforeſaid, by turns, in ſuch manner as in the deed of ſuch augmentation or endowment ſhall be mentioned.

Several joining in augmentation ſhall preſent by turns, as in the deed agreed upon.

IV. And

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IV. And whereas many pious and well disposed persons might for the honour of God, and for the sake of his holy religion, be induced to erect and build chappels more commodious for themselves and families in large parishes, and to endow the same with a competent provision for a minister or curate to officiate therein, in case they were by law enabled so to do, and were to have the patronage, right of presentation, or nomination of or to such chappel, when built and endowed: be it enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons to allot and set apart any land not exceeding one plantation acre, and not less than two measured miles distant from the mother-church of the said parish; on which said land so set apart it shall and may be lawful to and for any person or persons, bodies politick and corporate, to erect and build a chappel, in which the liturgy and rites of the church of Ireland as by law established are to be used and observed, who shall first settle and assure lands, tenements, tythes, or hereditaments in fee-simple of the clear yearly value of thirty pounds *per annum*, or more, and not exceeding fifty pounds *per annum*, for a provision or maintenance for a curate to officiate in such chappel, and his successors for ever, as a perpetual endowment of such chappel.

Any one may allot 1 acre, not less than 2 miles from the mother church, for a chappel,

first settling lands, &c. of 30 l. *per ann.* and not less than 50 l. for the curate and his successors.

V. And be it further enacted by the authority aforesaid, That where two or more persons shall joyn in or contribute to the erecting and endowment of any chappel in pursuance of this act, such persons, their heirs and assigns respectively, shall nominate to such chappel, erected and endowed as aforesaid, by turns, in such manner and order as in the deed of such endowment shall be settled.

Several persons joining therein, shall nominate by turns, as in the deed.

VI. And be it further enacted by the authority aforesaid, That all and every person and persons, bodies politick and corporate, who shall so erect and endow a chappel as aforesaid, shall from the time of such endowment be, and be esteemed in law, to be, true patron or patrons of such chappel, and the right of presentation or nomination thereto shall be, and is hereby from thenceforth for ever after, vested in such person or persons, bodies politick or corporate, their heirs and successors, who shall build and endow the same as aforesaid; and that such endowed chappel shall be for ever after called and known by such name, as the founder of such chappel shall in and by his deed of endowment direct and appoint.

Founders of such chappels patrons thereof,

named in deed of endowment.

VII. And whereas not only parsons and vicars, who come in by presentation or collation, institution or induction, but curates officiating in any church or chappel, where the liturgy and rites of the church of Ireland as by law established are or shall be used,

Churches, curacies, or chappels, so

will

will be intitled to have the benefit of ſuch augmentations or endowments, ſome of which are not corporations, nor have a legal ſucceſſion, and therefore are incapable of taking a grant or conveyance of ſuch perpetual augmentations or endowments as aforeſaid: be it enacted by the authority aforeſaid, That all churches, curacies, or chappels, which ſhall at any time hereafter be augmented, erected, and endowed by virtue of this act, ſhall be, and are hereby declared and eſtabliſhed to be, from the time of ſuch augmentation or endowment perpetual cures and benefices; and the miniſters duly admitted and inſtituted, or nominated and inſtituted thereunto, and their ſucceſſors reſpectively, ſhall be, and ſhall be eſteemed in law, bodies politick and corporate, and ſhall have perpetual ſucceſſion by ſuch name and names, as in the grant of ſuch augmentation or endowment ſhall be mentioned, and ſhall have a legal capacity, and are hereby enabled, to take in perpetuity to them and their ſucceſſors all ſuch lands, tenements, tythes, and hereditaments, as ſhall be granted unto them reſpectively by virtue of this act; any law or ſtatute to the contrary notwithſtanding.

A. D. 1725. Chap. 18.

augmented or endowed, perpetual cures and benefices, and the miniſters, bodies politick and corporate, with perpetual ſucceſſion, and legal capacity to take in perpetuity.

VIII. And be it further enacted by the authority aforeſaid, That from and after the firſt day of May one thouſand ſeven hundred and twenty eight it ſhall and may be lawful to and for all and every perſon and perſons, bodies politick or corporate, their heirs or ſucceſſors, having any eſtate of inheritance in fee-ſimple in their own right, or in right of their corporations or churches, of or in any lands, tythes, tenements, or hereditaments, at his, her, or their will and pleaſure, by deed indented under ſeal to give, grant, and convey the ſame to any parſon, vicar, or curate officiating in any ſuch church or chappel, not exceeding the clear yearly value of ſeventy or fifty pounds *per annum* reſpectively as aforeſaid, and his ſucceſſors for ever, as a perpetual augmentation or endowment of ſuch church or chappel; any law or ſtatute to the contrary notwithſtanding.

Perſons having fee-ſimple may convey to parſon or curate, not exceeding 70 l. or 50 l. *per ann.* reſpectively, as perpetual augmentation.

IX. And to the end that the ſaid archbiſhops, biſhops, and other eccleſiaſtical perſons and corporations aforeſaid, may at all times be capable of granting their patronages, and right of preſentation, or nomination to ſuch ſmall churches and chappels as aforeſaid, and ſuch churches and chappels be always capable of ſuch augmentation and endowment; be it further enacted by the authority aforeſaid, That all grants and conveyances, hereafter to be made by virtue of this act of the patronage, or right of preſentation, or nomination to any ſuch church or chappel, or of any lands, tenements, tythes, or hereditaments for the augmentation, erection, or endowment of any ſuch church or chappel as aforeſaid,

Conveyances good, whether the church or chappel vacant or full at the time.

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said, shall be good and effectual in law to all intent and purposes, whether such church or chappel be vacant, or full of an incumbent, minister, or curate, at the time of such grant or conveyance.

but not good without consent of trustees of first fruits, and the deeds inrolled in Chancery in 6 months.

X. Provided always, That no deeds of grant for any augmentation, erection, or endowment, to be made in pursuance of this act shall be good and effectual in law without the consent of the said trustees or commissioners of the first fruits testified under their common seal, and unless such deeds be enrolled within six months from the date thereof in his Majesty's court of Chancery in this kingdom.

That design of such augmentation may not be defeated,

XI. And whereas in many places it would be in the power of the impropriator, parson, or vicar, to withdraw the allowance now or heretofore paid to the curate or minister serving the cure, or, in case of a chappelry, the incumbent of the mother-church might refuse to employ a curate, or permit a minister duly nominated or licensed to officiate in such new erected or endowed chappel, and might officiate there himself, and take the benefit of the augmentation or endowment, though his living be not intended to have the benefit of such augmentation, and the design of such augmentation would thereby be defeated: for the better securing all augmentations and endowments which shall be made or given to any benefice, living, curacy or chappel in pursuance of this act; be it further enacted by the authority aforesaid, That the impropriators or patrons of any augmented churches or curacies for the time being, and their heirs and successors respectively, and the rectors and vicars of the mother-churches, to which any such augmented or endowed curacy or chappel doth appertain, and their successors, shall be and are hereby utterly excluded from having and receiving directly or indirectly any profit or benefit by such augmentation or endowment, and shall from time to time, and at all times from and after such augmentation, allow to the ministers officiating in any such augmented or endowed church or chappel respectively such annual and other pensions, salaries, and allowances, which by ancient custom or otherwise of right, and not of bounty, ought to be by them respectively paid and allowed, and which they might by due course of law before the making of this act have been compelled to pay or allow to the respective ministers officiating therein.

Impropriators or patrons of augmented churches or curacies, and the rectors or vicars of the mother-churches, excluded from any benefit by the augmentation,

and shall allow to ministers officiating such annual salaries, as they ought by right, not of bounty.

Cure of souls, with all parochial rights and duties (augmentation excepted) shall remain as before.

XII. Provided always, That no such rector or vicar of such mother-church, or any other ecclesiastical person or persons having cure of souls within the parish or place where such augmented or endowed church or chappel shall be situate, or his or their successors, shall hereby be divested or discharged from the same; but the cure of souls, with all other parochial rites and duties

(such

(ſuch augmentation or endowment to the augmented or endowed church or chappel as aforeſaid only excepted) ſhall hereafter be and remain in the ſame ſtate, plight, and manner, as before the making this act, and as if this act had not been made.

Churches and chappels augmented ſubject to viſitation.

XIII. And be it further enacted by the authority aforeſaid, That all churches and chappels augmented and endowed by virtue of the powers given by this act, and all miniſters and curates officiating therein, ſhall be ſubject to the viſitation and juriſdiction of the archbiſhop or biſhop of the dioceſs, wherein ſuch churches or chappels are, to all intents and purpoſes of law whatſoever.

and if void 6 months without nomination, the right lapſes, as in preſentative livings:

XIV. And for continuing the ſucceſſion in ſuch augmented cures hereby made perpetual cures and benefices, and that the ſame may be duly and conſtantly ſerved; be it enacted by the authority aforeſaid, That in caſe ſuch augmented or endowed cures be ſuffered to remain void by the ſpace of ſix months, without any nomination within that time of a fit perſon to ſerve the ſame, by the perſon or perſons having a right of nomination thereunto, to the archbiſhop, biſhop, or other ordinary, within that time to be licenced for that purpoſe, the ſame ſhall lapſe to the archbiſhop, biſhop, or other ordinary, and from him to the metropolitan, and from the metropolitan to the crown, according to the courſe of law uſed in caſe of preſentative livings and benefices; and the right of nomination to ſuch augmented or endowed cure may be granted or recovered, and the incumbency thereof may and ſhall ceaſe and be determined, in like manner, and by the like methods, as the preſentation to or incumbency in any vicarage preſentative may now be reſpectively granted, recovered, and determined; and moreover, in caſe the incumbent or miniſter of any ſuch augmented or endowed church or chappel ſhall be abſent from his cure for above the ſpace of ſixty one days in any one year without licence of the archbiſhop, biſhop, or other ordinary firſt obtained for that purpoſe, ſuch church or chappel ſhall from thenceforth be, and be eſteemed in law, actually void, and ſuch incumbent or miniſter be for ever after diſabled to hold and enjoy the ſame.

and in like manner granted, recovered or determined.

and void by abſence without licence 61 days in a year;

but no lapſe thereby till 6 months after notice in writing by the ordinary.

XV. Provided always, that no lapſe ſhall incur, in caſe of ſuch church or chappel becoming void by want of ſuch reſidence of the incumbent as aforeſaid, till ſix months after notice thereof in writing given by the biſhop or other ordinary to the perſon or perſons having right of nomination to the ſame.

Nomination by patron before advantage taken of lapſe, as effectual as if in 6 months, tho' lapſed to the crown.

XVI. Provided alſo, that in caſe the perſon or perſons intituled to nominate to ſuch augmented or endowed cures ſhall ſuffer a lapſe to incur, but ſhall after preſent or nominate to the ſame before any advantage taken thereof by the ordinary, metropolitan, or crown reſpectively,

A. D. 1717. Chap. 18.

respectively, such presentation or nomination shall be as effectual as if made within six months, although so much time be before elapsed, as that the title by lapse be vested in the crown.

Bishops, ecclesiastical persons, governors of colleges or hospitals, may contract with tenants to allow for inclosing and preserving woods, not being timber,

not exceeding a third of the money by sale,

such contract binding on successors.

XVII. And whereas the archbishops, bishops, deans, deans and chapters, archdeacons, prebendaries, and other dignitaries, ecclesiastical persons, vicars, masters, or governors, and fellows of colleges, and masters, guardians, or other governors of hospitals in this kingdom, are seized of several woods, the profits of which are reserved to themselves in the leases made of the lands, whereon the said woods do grow, which woods are of very little advantage to themselves or the country, by reason they lie uninclosed and exposed to the cattle, and must continue so to do, except by agreement made between them and their tenants, which agreement they are not now by law impowered to make, so as to be binding on their successors: be it therefore further enacted by the authority aforesaid, That it shall and may be lawful to and for every archbishop, bishop, dean, dean and chapter, archdeacon, prebendary, and other dignitary, ecclesiastical person, vicar, master, or governor, and fellows of any college, master, guardian, or other governor of any hospital in this kingdom and their successors, to enter into any contract and agreement with any tenant to allow such tenant for his charge and care in inclosing and preserving any wood, not being timber, and being at the time of the said agreement uninclosed, any part or proportion of the value thereof, not exceeding a third part of what such wood shall be sold for at the time of cutting it down; and that all and every such agreement or agreements, contract or contracts, so made and entered into, shall be binding and obligatory on the successor and successors of every such archbishop, and bishop, and other bodies corporate before named.

If lease runs out before tenant receives the benefit, he shall receive from owner of the freehold a third of the value at the time.

XVIII. Provided that if the tenant, who hath inclosed or preserved the wood, shall not be suffered or willing to renew his lease, but it shall by any means run out, before such tenant hath had the benefit of such contract or agreement, that then the said tenant shall receive of the person or persons, to whom the freehold upon the determination of such lease shall belong respectively, the third part of the real value of such wood at the time of his leaving the same.

Saving the right of the King and others, except the persons augmenting or endowing.

XIX. Saving always and reserving to the King's most excellent Majesty, his heirs and successors, and all and every person and persons, bodies politick and corporate, their heirs and successors respectively, other than and except the archbishops, bishops, deans, and deans and chapters, who shall in pursuance of this act convey or make over the advowsons, presentations, or nominations, of or to such endowed or augmented benefices, livings, or curacies, and their successors, or the grantors of any lands, tenements,

ments, tythes, or hereditaments for such augmentation or endowment, their heirs, executors, administrators, or assigns, all such right, title, and interest, which they or any of them might or could have, claim, or demand to the advowson or patronage of such endowed or augmented benefice, living, or curacy, if this act had not been made; any thing herein before contained to the contrary notwithstanding. A. D. 1727.

CHAP. XIX.

An act for repealing a clause in an act, intituled, [An act for real union and division of parishes,] and for settling the method of obtaining the King's Majesty's consent for removing the situation of churches, the patronage whereof is in the crown.

WHEREAS in the fourteenth and fifteenth years of the reign of King Charles the second an act of Parliament was made in this kingdom of Ireland, intituled, *An act for real union and division of parishes, and concerning churches, free-schools, and exchanges*; in pursuance of which act divers unions of parishes were made, which by reason of the increase of protestant inhabitants within such parishes, or upon other accounts, are now found to be altogether inconvenient: and whereas in the second year of the reign of King George the first of glorious memory an act of Parliament was also made, intituled, *An act for real union and division of parishes*; which last mentioned act, by an act made in the tenth year of the reign of his said late Majesty King George the first, intituled, *An act for explaining and amending an act, intituled, an act for real union and division of parishes, and for confirming an exchange made of a piece of ground, whereon the parish-church and vicarage house of the parish of St. Anne in the suburbs of the city of Dublin was by a former act of Parliament directed to be built, for another piece of ground, and for appropriating such other piece of ground to the same uses*, has since been continued with such alterations and additions, as in the said last mentioned act are expressed, for ten years from the second day of February one thousand seven hundred and twenty three, and from thence to the end of the then next session of Parliament: and whereas in the said last mentioned act made in the second year of the reign of his said late Majesty there is a clause inserted in the following words, *viz.* "Provided always, that no union formerly made pursuant to the before mentioned act, made in the fourteenth and fifteenth years of the reign of King Charles the second, of any parishes not lying within cities or towns corporate, shall be capable of being dissolved, nor any of the said united parishes, or any part thereof,

14 & 15 C. 2. 10.

Unions pursuant thereto inconvenient.

2 G. 1. 14.

10 G. 1. C.

Clause in 2. G. 1. 14. Sec. 12. repealed.

A. D. 1727. Chap. 19.

" thereof, ſhall be liable to be united to or made part of any " other united pariſh by virtue of this act, unleſs the pariſh- " church of ſuch united pariſh doth lye three country miles di- " ſtant from ſome part of ſuch united pariſh, or that the church " of ſuch united pariſh ſhall not be large enough to contain the " proteſtant pariſhioners uſually reſorting to ſuch pariſh-church;" by reaſon of which clauſe, and of the uncertainty of the meaſure of three country miles therein mentioned, divers unions and diviſions of pariſhes, which otherwiſe would be highly convenient for promoting the publick worſhip of God, are totally obſtructed: be it therefore enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid clauſe, and every thing therein contained, ſhall from henceforth be and is hereby repealed and made void; and that every ſuch united pariſh ſhall be liable and ſubject to the like diviſion and under the ſame conditions and limitations as any other pariſh within this kingdom; any thing in the ſaid clauſe to the contrary notwithſtanding.

Inconvenient ſituation of churches:

II. And whereas in many pariſhes within this kingdom the reſpective pariſh-churches are ſo incommodiouſly ſituated, as that the greater number of the pariſhioners cannot without manifeſt inconveniencies repair thereto for the publick worſhip of God: and whereas by the aforementioned act paſſed in the ſecond year of the reign of his late Majeſty King George the firſt, it was amongſt other things enacted, " That it ſhould be lawful for the " chief governor or governors of this kingdom for the time be- " ing, with the aſſent of the major part of the privy-council " aſſembled in council, ſix at leaſt conſenting, under certain limi- " tations in the ſaid act mentioned to direct and order new church- " es to be built in more convenient places," as by the ſaid act may more at large appear: and whereas by the ſaid act it is amongſt other things required, That the conſent of the patron or patrons ſhall be firſt had, before any order can be made for the building or erecting any new church: and whereas the King's moſt excellent Majeſty is patron of many pariſh-churches in this kingdom, and the method of obtaining his royal conſent for the purpoſes aforeſaid by letters patents under the great ſeal of this kingdom is found to be very tedious and expenſive, ſo that the pariſhioners of thoſe pariſhes, the churches whereof are in the patronage of the crown, are not likely to receive the benefit intended by the forementioned act: be it therefore further enacted by the authority aforeſaid, That where any pariſh-church is either the corps or part of the corps of any deanery, or other eccleſiaſti-

by 2 G. 1. 14. *Sec.* 3. conſent of patron neceſſary to new building a church:

Where the King patron, chief governors conſent to building a

cal

eal dignity or prebend, the patronage whereof belongs to the crown, or where any pariſh-church whatſoever is in the immediate patronage of the King's moſt excellent Majeſty, and it ſhall be found neceſſary for the eaſe and benefit of the pariſhioners of ſuch pariſh, that a new pariſh-church ſhould according to the aforementioned act, made in the ſecond year of the reign of his ſaid late Majeſty, be built within the ſame, the conſent of the lord lieutenant or other chief governor or governors of this kingdom for the time being to the building of ſuch church, ſignified in writing under his or their reſpective hands and ſeals, and enrolled in the high court of Chancery within ſix months after the date thereof, ſhall to all intents and purpoſes be as good and valid in law, as if the conſent of his Majeſty, his heirs or ſucceſſors, thereto were ſignified by letters patents under the great ſeal; any thing in the ſaid act, or in any other act to the contrary notwithſtanding.

A. D. 1727.

new church as by 2 G. 1. 14. under hand and ſeal, inrolled in Chancery in 6 months, as valid as if by letters patent. 10 G. 1. 6.

CHAP. XX.

An act for regulating the admiſſions of barriſters at law, ſix clerks, and attornies, and of other perſons, into offices and employments; and for preventing papiſts practiſing as ſolicitors; and for further ſtrengthening the proteſtant intereſt in this kingdom.

FOR the better regulating the admiſſions of barriſters at law, ſix clerks, and attornies, and of other perſons, into offices and employments, and for preventing papiſts practiſing as ſolicitors; be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That every perſon, who from and after the firſt day of Auguſt one thouſand ſeven hundred and twenty eight ſhall apply to be called to the bar, or to be admitted a ſix clerk, or attorney, or ſhall take upon him to practiſe as a ſolicitor, or to act as an officer, or deputy officer, in any of his Majeſty's courts of law or equity, ſhall before ſuch application, or taking on them to practiſe or act as aforeſaid, take and ſubſcribe the ſeveral oaths, and repeat and ſubſcribe the declaration, mentioned and appointed in and by an act made in the ſecond year of the reign of her late Majeſty Queen Anne, intituled, *An act to prevent the further growth of popery*; and that every perſon converted from the popiſh to the proteſtant religion, or born of a popiſh parent or parents, who from and after the ſaid firſt day of Auguſt one thouſand ſeven hundred and twenty eight ſhall apply to be called to the bar, or to be admitted a ſix clerk, or

Barriſters, ſix clerks, attornies, ſolicitors, officers in the courts, ſhall firſt take the oaths, &c. 2 *Anne* 6. 6 *Anne* 6. 7 *G.* 2. 5.

Convert, or born of popiſh parent, ſhall alſo firſt prove before lord chancellor, &c. his continuing a

A. D. 1727. Chap. 20.

of attorney, or ſhall take upon him to practiſe as a ſolicitor, or to act as an officer or deputy officer as aforeſaid, ſhall upon ſuch application, or before taking on him to act or practiſe as aforeſaid, prove before the lord chancellor, or the commiſſioners of the great ſeal, the two chief juſtices, the chief baron, the juſtices of the one bench and of the other, and the barons of his Majeſty's court of Exchequer in Ireland for the time being, or any two or more of them (of which the lord chancellor, or one of the commiſſioners of the great ſeal, or one of the ſaid chief juſtices, or the chief baron for the time being ſhall be one) by ſufficient witneſs or witneſſes upon oath, which they or any two of them are hereby authorized to adminiſter, that ſuch perſon has profeſſed himſelf and continued to be a proteſtant for the ſpace of two years immediately before the time of making ſuch proof.

proteſtant 2 years immediately before:

and ſhall educate their children proteſtants, at the time of admiſſion, &c. under 14, or born after, 8 *Anne* 3.

II. And be it further enacted by the authority aforeſaid, That every perſon, who after the firſt day of Auguſt aforeſaid ſhall be called to the bar, or admitted a ſix clerk, or attorney, or who ſhall practiſe as a ſolicitor, or ſhall act as an officer or deputy officer as aforeſaid, who is or ſhall be converted from the popiſh to the proteſtant religion, ſhall educate, or cauſe to be educated, in the proteſtant religion according to the church of Ireland as by law eſtabliſhed all and every his or their child or children, who at the time of his or their admiſſion, practiſing, or officiating reſpectively as aforeſaid, ſhall be under the age of fourteen years, or ſhall be born after ſuch time; and that all and every perſon or perſons whatſoever, who now is or ſhall hereafter be converted from the popiſh to the proteſtant religion, ſhall in like manner educate, or cauſe to be educated, all and every his, her, or their child or children, who at the ſaid firſt day of Auguſt, or at the time of their reſpective converſion, if ſuch converſion ſhall be after the ſaid firſt day of Auguſt, ſhall be under the age of fourteen years, or who ſhall be born after.

and all converts ſhall ſo educate their children at time of converſion under 14, or born after.

Converts, knowingly and willingly permitting children to be educated papiſts, ſubject to diſabilities as papiſts.

III. And be it further enacted by the authority aforeſaid, That if any perſon or perſons, who now is, are, or hereafter ſhall be converted from the popiſh to the proteſtant religion, ſhall after the ſaid firſt day of Auguſt, or after the time of his, her, or their converſion (if ſuch converſion ſhall be after the ſaid firſt day of Auguſt) educate, or knowingly and willingly permit or ſuffer his, her, or their child or children to be educated, in the popiſh religion, then and in ſuch caſe every ſuch perſon or perſons offending herein ſhall be ſubject and liable to all ſuch diſabilities and incapacities, as perſons profeſſing the popiſh religion are ſubject and liable unto by the laws and ſtatutes of this realm.

IV. Provided

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IV. Provided always, and be it further enacted by the authority aforeſaid, That from and after the ſaid firſt day of Auguſt no perſon whatſoever ſhall be capable of acting as a ſub-ſheriff or ſheriff's-clerk, who ſhall not have been a proteſtant for five years immediately before ſuch his acting according to the intent and meaning of this act; and that all and every perſon or perſons offending herein ſhall be ſubject to ſuch diſabilities and incapacities, as perſons profeſſing the popiſh religion are ſubject and liable unto by the laws and ſtatutes of this realm.

None to act as ſub-ſheriff or clerk, not a proteſtant 5 years before,

6 *Anne* 6.

V. Provided, That nothing herein contained ſhall extend to any ſolicitor, who has heretofore been allowed to be comprehended within the articles of Limerick or Gallway.

not to extend to ſolicitors within articles of Limerick or Galway.

VI. And be it further enacted by the authority aforeſaid, That if any proteſtant, or perſon profeſſing himſelf to be a proteſtant, ſhall from and after the firſt day of Auguſt educate, or knowingly and willingly permit or ſuffer his child or children, or any of them (not already a papiſt, and above the age of fourteen years) to be educated, in the popiſh religion, ſuch proteſtant, or perſon profeſſing himſelf to be a proteſtant, ſhall from thenceforth be ſubject and liable to ſuch incapacities and diſabilities, as perſons profeſſing the popiſh religion are by law made ſubject to.

10 *Wi.* 3. 13. 6 *Anne* 6 Proteſtants willingly permitting children (not already papiſts and above 14) to be educated papiſts, ſubject to diſabilities as papiſts.

CHAP. XXI.

An Act for preventing combinations to enhance the prices, and for avoiding exactions and abuſes formerly practiſed in the ſale and meaſure of coals.

4 *Anne* 8. 6 *G.* 1. 2. 31 *G.* 2. 15. 1 *G.* 3. 10.

FOR preventing combinations to enhance the prices of coals and frauds or abuſes in the meaſure thereof; be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons, bodies politick or corporate, ſhall from and after the firſt day of June one thouſand ſeven hundred and twenty eight enter into any unlawful combination or agreement for enhancing the prices of coals, ſuch perſon or perſons, being thereof lawfully convicted on any information or indictment, ſhall for every ſuch offence forfeit the ſum of fifty pounds; to be recovered in his Majeſty's court of King's Bench, Common Pleas, or Exchequer, by information or action of debt; one moiety of the forfeiture to go to the perſon or

Penalty of combination to enhance price of coals, 50 l. to the poor and informer.

A. D. 1727. Chap. 21.

persons, who shall sue for the same, and the other moiety thereof to the minister and church-wardens of the respective parishes, wherein such offence shall be committed, for the use of the poor of the said parish, to be accounted for by such person or persons, who shall recover the same, in the same manner as money raised and levied for the use of the poor of such parish or parishes are to be accounted for by the laws in this kingdom; in which information or action no protection, essoin, or wager of of law shall be allowed.

Retailers of sea coal imported shall keep only the measures following, sealed by clerk of market, 6 G. 1. 2.

II. And be it further enacted by authority aforesaid, That from and after the first day of June one thousand seven hundred and twenty eight no person or persons whatsoever retailing coals shall keep for measuring any sort of coal, commonly called sea-coal, brought into any harbour or port of this kingdom, any half barrel, bushel, half bushel, peck, or half peck, but such as are of the following dimensions, and contain the following quantities, and shall be sealed by the clerk of the respective markets: *(viz.)* every half barrel shall be twenty four inches diameter in the bottom, and twenty five inches and a half in the top at least, and contain twenty gallons Wincheſter measure; that every bushel be twenty inches diameter in the bottom, and twenty one inches in the top at least, and contain ten gallons of the like measure; that every half bushel be fifteen inches diameter in the bottom, and sixteen inches in the top at least, and contain five gallons of the like measure; that every peck be eleven inches diameter in the bottom, and twelve inches in the top at least, and contain two gallons and a half of the like measure; that every half peck be ten inches and a half diameter in the bottom, and eleven inches and a half in the top at least, and contain one gallon and a quarter of the like measure; upon pain of forfeiture of all the coals which shall be otherwise sold or exposed to sale by any retailer of coals, and also double the value thereof, to be recovered by any person or persons before the chief magistrate or magistrates of such city or town corporate, where such coals shall be brought in and imported; who are hereby impowered and required to call the parties before them, and to hear and examine such complaints upon oath, and to administer such oath, and upon due proof thereof made to his or their satisfaction to convict the offenders, and to give warrant under his or their hand and seal or hands and seals for levying the forfeitures accordingly; the one moiety thereof to be to and for the use of the person or persons so prosecuting or complaining, and the other moiety to and for the use of the poor of the parish where such offence shall be committed.

Half barrel 24 inches diameter at bottom, and 25 and a half at top, and 20 gallons Wincheſter:

bushel, half bushel,

peck,

half peck:

Coals sold otherwise forfeited, and double value, before C. magistrate, to the poor and informer.

III. Provided,

III. Provided, That no information, action, or ſuit ſhall be commenced for or by reaſon of any forfeiture or penalty incurred by any offence contrary to this act, unleſs the ſame be commenced within the ſpace of ſix months next after ſuch offence ſhall be committed. A. D. 1727. Proſecution in 6 months.

IV. And be it further enacted by the authority aforeſaid, That if any action, ſuit, plaint, or information, ſhall be commenced or proſecuted againſt any perſon or perſons for any thing by him or them done in purſuance or in execution of this act, ſuch perſon or perſons, ſo ſued in any court whatſoever, ſhall and may plead the general iſſue, and upon any iſſue joyned may give this act, and the ſpecial matter in evidence; and if the plaintiff or proſecutor ſhall become nonſuit, or forbear further proſecution, or ſuffer any diſcontinuance, or if a verdict or judgment upon demurrer ſhall paſs againſt ſuch plaintiff or proſecutor, the ſaid defendant or defendants ſhall recover his or their treble coſts; for which he or they ſhall have the like remedy, as in caſes where coſts by law are given to the defendant. Perſons ſued for acting may plead general iſſue and have treble coſts on nonſuit, &c.

CHAP. XXII.

An act for explaining and amending an act, intituled, *An act for the better maintenance of curates within the church of Ireland.*

WHEREAS ſome doubts have ariſen upon an act made in the ſixth year of his late Majeſty's reign, intituled, *An act for the better maintenance of curates within the church of Ireland,* whether proviſion be thereby made for the appointing and ſecuring a ſufficient certain ſtipend or allowance for any curates to any beneficed clergymen, other than for the curates of ſuch rectors and vicars, who having actual cure of ſouls ſhall be abſent from their livings: and whereas many pariſhes in this kingdom by reaſon of the largeneſs of their extent, or the encreaſe of the buildings and inhabitants therein, are ſeverally found to be too great a cure to be diſcharged by one ſingle miniſter reſident upon his living, whereupon it is uſual for the incumbents of ſuch pariſhes reſpectively to be aſſiſted by a curate or curates, duly nominated and licenſed for that purpoſe, and it is reaſonable that ſuch curates, as well as others, ſhould be provided with and aſſured of a competent maintenance: be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament 6 G. 1. c. 13. Doubts whether proviſion thereby made except for curates in abſence of incumbent from their livings: reaſonable to extend it. Biſhops at time of licenſing any curates, &c. to aſſiſt incumbents may ap-

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ment assembled, and by the authority of the same, That it shall and may be lawful to and for every archbishop and bishop respectively at the time of his licensing any curate, or any person in holy orders by any other title or denomination whatsoever, to assist the incumbent of any such parish, by whom he shall be nominated and presented to such archbishop or bishop for that purpose, by writing under his hand and seal, to appoint a sufficient certain stipend or allowance not exceeding fifty pounds *per annum*, nor less than ten pounds *per annum*, to be paid or answered at such times as he shall think fit by such incumbent to every such curate, or other person in holy orders by any other title or denomination whatsoever, respectively so nominated and licensed as aforesaid, for his support and maintenance: and if it shall appear at any time to any archbishop or bishop, or other ordinary of any diocess within this kingdom, upon complaint or otherwise that any such curate or person heretofore licensed, or hereafter to be licensed, to assist the incumbent of any parish within the diocess, hath not a sufficient maintenance, it shall and may be lawful for the said archbishop or bishop, or ordinary, upon summoning the parties concerned to appear before him, and hearing them in case they shall appear, or in default of appearance of them or either of them, to appoint to every such curate or assistant respectively a sufficient certain stipend or allowance in like manner as before is mentioned; and in case any difference shall arise between any rector, vicar, or other incumbent, and his curate or curates, assistant or assistants, touching such stipend or allowance, or the payment thereof, the archbishop or bishop, or ordinary, upon complaint to him made shall summarily hear and determine the same, and, in case of neglect or refusal to pay such stipend or allowance, may sequester the profits of the benefice for and until payment thereof.

point allowance, not above 50 l. nor less than 10 l. *per ann.* payable by incumbent:

if a curate appears to ordinary not to have sufficient maintenance, may on summoning and hearing the parties appoint such certain allowance;

and summarily determine differences, 12 *Anne* 12. *stat.* 2. *Eng.*

and sequester benefice for non-payment.

II. And whereas by the act before recited it is amongst other things enacted, "That in parishes of great extent it shall and "may be lawful for the archbishop or bishop of any diocess, "wherein such parishes are situate, or for the inhabitants of such "parishes, with the consent of the archbishop or bishop of the "said diocess, to erect or cause to be erected one chappel of ease, "or two chappels of ease, if any great number of inhabitants must "otherwise be more than six miles from their place of publick "worship, for which chappel or chappels, when so erected and set "apart for divine worship, the incumbent of the parish is obliged "to find from time to time a sufficient curate or curates, and to "support him or them by such ways, and in such manner, as "by the said act is directed and appointed:" and whereas the

Recital of 6 G. 1. 13. *Sec.* 3.

inhabitants

inhabitants of large pariſhes, who are five miles or more diſtant from their pariſh-church, cannot without manifeſt inconvenience reſort to the ſame; by reaſon whereof great numbers of families in ſeveral parts of this kingdom do ſeldom attend the ſervice of God in any place of publick worſhip: for remedy of which miſchief be it enacted by the authority aforeſaid, That in any pariſh within this kingdom, where a great number of inhabitants do reſide at the diſtance of five meaſured miles or more from their place of publick worſhip, computing each mile at one thouſand ſeven hundred and ſixty yards, to be admeaſured along the ordinary horſe road leading to ſuch place of publick worſhip, it ſhall and may be lawful to and for the archbiſhop or biſhop of the dioceſs, wherein ſuch pariſh is ſituate, by and with the conſent of the majority of the proteſtant inhabitants of the ſaid pariſh, who are of the church of Ireland as by law eſtabliſhed, and who do not reſide within three ſuch miles as aforeſaid of the old pariſh-church, or place where divine ſervice is and has been uſually performed for the ſaid pariſh, nor within two ſuch miles of any other church or chappel where divine ſervice is performed according to the uſage of the church of Ireland, but who do reſide within three ſuch miles as aforeſaid of the place where ſuch chappel is to be built, ſignified under their hands, to erect or cauſe to be erected one chappel of eaſe, or two chappels of eaſe within the ſaid pariſh; and that ſuch chappels, when erected and ſet apart for publick worſhip, and alſo ſuch as are already erected and ſet apart for publick worſhip, and are conveniently ſituate for the uſe of the inhabitants of that pariſh, ſhall be ſupplied from time to time with ſufficient curates; which curates ſhall be appointed, admitted, approved, maintained, and ſupported by ſuch perſons, in ſuch manner, and by ſuch ways and means, as in and by the ſaid recited act are preſcribed and directed for the appointment, admiſſion, approbation, maintenance, and ſupport of curates.

where many pariſhioners reſide 5 meaſured miles from church, biſhop with conſent of majority of proteſtants not reſiding within 3 miles of the church, or 2 of any other, but within 3 of the place where a chappel to be built, may erect 1 or 2 chappels of eaſe;

to be ſupplied with curates, as by 6. G. 1. 13.

III. And whereas ſeveral pariſhes in the city of Dublin, and in other cities and towns corporate in this kingdom, by the increaſe of buildings and inhabitants are become reſpectively too great a cure, and the churches belonging to ſuch pariſhes reſpectively cannot afford accommodation for great numbers of the proteſtant inhabitants to hear divine ſervice and perform religious duties: for remedy whereof be it further enacted by the authority aforeſaid, That in any pariſh within the city of Dublin, or the liberties thereof, or the liberties thereunto adjoyning, or within any other city or town corporate in this kingdom, where any great number of proteſtant inhabitants are or ſhall be excluded from the parochial-church for want of room and accommodation during the celebration of divine ſervice therein, it ſhall and

In cities and towns corporate, where many pariſhioners excluded from the church for want of accommodation, the biſhop as aforeſaid with

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may be lawful to and for the archbiſhop or biſhop of the dioceſs, wherein ſuch pariſh is ſituate, by and with the conſent of the proteſtant inhabitants of the ſaid pariſh, who are of the church of Ireland as by law eſtabliſhed, or the major part of them, in veſtry aſſembled, to erect or cauſe to be erected one chappel of eaſe or two chappels of eaſe within the ſaid pariſh; and that each and every ſuch chappel or chappels, when erected and ſet apart for publick worſhip, ſhall be ſupplied from time to time with a ſufficient curate or curates; which curate or curates ſhall be appointed, admitted, approved, maintained, and ſupported by ſuch perſons, in ſuch manner, and by ſuch ways and means, as in and by the ſaid recited act are prefcribed and directed for the appointment, admiſſion, approbation, maintenance, and ſupport of curates.

conſent at veſtry may erect 1 or 2 chappels of eaſe, ſupplied with curates, as by 6 G. 1. 13.

IV. And be it further enacted by the authority aforeſaid, That all and every ſuch chappel and chappels, which ſhall hereafter be erected and ſet apart for publick worſhip by virtue of this or any former act, or that have already been erected and ſet apart for publick worſhip, and are conveniently ſituate for the uſe of the inhabitants, ſhall be kept from time to time in good repair, and provided with all things neceſſary and commodious for the celebration of divine ſervice therein, at the charge of the pariſhioners of the whole pariſh, wherein ſuch chappel or chappels have been or ſhall be erected and ſet apart as aforeſaid, by ſuch rates or other ways or means as the pariſh-church ought to be kept in repair, or elſe by certain annual rents to be ſet on the pews or ſeats of ſuch chappel or chappels by the archbiſhop or biſhop of the dioceſs with the conſent of the incumbent of ſuch pariſh, and the major part of ſuch pariſhioners thereof as aforeſaid aſſembled at a veſtry duly appointed for that purpoſe; which rates or annual rents, being ſo made and aſcertained, ſhall be paid to the church-wardens of ſuch pariſh, or either of them, or to any perſon or perſons by them appointed, and approved of by the archbiſhop or biſhop of the dioceſs for that purpoſe; and all ſuch church-wardens, and each of them, and every perſon or perſons by them appointed and approved of as aforeſaid, ſhall have full power and authority to aſk, demand, receive, diſtrain for, and recover all ſuch rates or annual rents at ſuch times, by ſuch ways and means, and under ſuch penalties, as miniſters-money, church-rates, or pariſh-ceſſes uſually are or may be collected and recovered by any law or ſtatute of this realm; and the money ariſing by ſuch rates or annual rents ſhall be applied by ſuch church-wardens in repairing ſuch chappel or chappels, and providing all things neceſſary and commodious for the celebration of divine ſervice therein, and to no other uſe or purpoſe whatſoever.

ſuch chapels repaired, &c. at charge of all the pariſhioners,

by ſuch rates or means as the pariſh church,

or by annual rents on the pews, by the biſhop with conſent at veſtry,

paid to church-wardens, &c.

collected as miniſter's money, or pariſh ceſſes,

and applied in repair, &c. of ſuch chapels.

CHAP.

A. D. 1727.

CHAP. XXIII.

An act for the better ſecuring the rights of advowſon and preſentation to eccleſiaſtical benefices.

6 G. 1. 11.

WHEREAS proceedings upon writs of *quare impedit* are ſubject to great delays and vexations by reaſon of eſſoins allowed in ſuch writs: and whereas many perſons have not only made uſurpations upon rightful patrons, but alſo have protracted and given unreaſonable delays in ſuits commenced for the recovery of uſurped preſentations, being encouraged thereto by the receipt of the meſne profits of ſuch benefice pending ſuch ſuits: for remedy whereof be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal, and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the end of this ſeſſion of Parliament no more than one eſſoign ſhall be caſt or allowed on any writ of *quare impedit:* but the defendant or defendants being duly ſummoned to appear upon the day mentioned in the writ, and the defendant or defendants not appearing by him or themſelves, or by his or their attorney or attorneys, an attachment ſhall immediately iſſue, and at the return of the ſaid attachment the grand diſtreſs in order to compel the defendant or defendants to appear.

Delays in *quare impedit* by eſſoins, &c.

One eſſoign only allowed on *quare impedit.*

On defendants not appearing, attachment: and at the return, Grand Diſtreſs.

II. And be it further enacted by the authority aforeſaid, That in all caſes where the King's Majeſty, his heirs or ſucceſſors, or any other patron or patrons, ſhall recover in any action of *quare impedit*, after ſuch recovery it ſhall and may be lawful to and for the clerk of the King, his heirs or ſucceſſors, and for the clerk of ſuch patron and patrons, ſo recovering, and for the executors and adminiſtrators of ſuch clerks, to prefer his or their bill or bills in the high court of Chancery, or in the court of Exchequer, againſt the clerk defendant in the ſaid *quare impedit*, whether of the King's preſentation, or of the preſentation or collation of any other perſon, his executors and adminiſtrators, for an account of the profits of the benefice ſo recovered from the time the defendants in *quare impedit* ſhall be returned to have been ſummoned to appear in the ſaid ſuit, on which ſuch recovery ſhall be had; and the ſaid high court of Chancery and court of Exchequer ſhall decree a reaſonable value of the ſaid profits againſt ſuch clerk defendant, his executors and adminiſtrators, unleſs the clerk defendant, his executors and adminiſtrators, ſhall before ſuch ſuit voluntarily make oath in writing before the ordinary of the dioceſs

Clerk of patron recovering may bring a bill for account of profits from ſummons in *quare impedit:* and have decree, unleſs affidavit by clerk defendant before ordinary of what he made *bona fide*, and offer to account, and payment,

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diocese (which oath the ordinary is hereby required to administer) in which such living shall lye, what he set the same for, or made thereof *bona fide*, and shall offer to account for the same accordingly, and make payment; in which case the clerk of the party recovering shall be concluded by such oath, and receive the mesne profits accordingly, subject to the allowances and deductions in this act contained.

which shall conclude plaintiff.

Not to extend to profits incurred before 29 September 1719.

III. Provided always, That nothing herein contained shall intitle the clerk of any person so recovering to any of the profits of the benefice so recovered, which incurred before the twenty ninth day of September in the year of our Lord one thousand seven hundred and nineteen.

On affirmation of judgment on demurrer, clerk defendant in *quare impedit* accountable from the judgment.

IV. Provided always, That where judgment shall be given upon demurrer, and the defendant or defendants in *quare impedit* shall not acquiese in the said judgment, but shall bring a writ or writs of error to another court, in such case the clerk defendant in the said *quare impedit* shall upon affirmation of the judgment in that court, where such writ of error is brought, be accountable in the manner aforesaid to the clerk of the plaintiff in *quare impedit* for all the profits of such benefice or benefices, so recovered, from the time of the obtaining of the said judgment upon demurrer.

Ordinary during contest may allow 60 l. *per annum*,

V. Provided always, That it shall and may be lawful for the bishop or ordinary of the diocese, where such benefice doth lye, or for the guardian or guardians of the spiritualities, to allocate or allow by any writing under his or their hands and seals yearly and every year, during the time that such benefices shall be contested, any sum or sums of money not exceeding sixty pounds *per annum*,

unless where curates employed before vacancy, and then reasonable allowance:

not above 30 l. *per ann.* each, if licenced and actually serving;

or any sum not exceeding the third of the annual profits;

paid to clerk defendant serving, or to the curate;

and on certificate allowed in the account of profits.

except where there was or were one or more curate or curates ordinarily employed in the parish before the vacancy, in which case the bishop may make a reasonable allowance for every such curate: provided such allowance to every such curate does not exceed the sum of thirty pounds *per annum*, if such curate shall be licenced, and actually employed in such cure during the suit, unless the third part of the annual profits of such benefice shall exceed that sum; in which case it may be lawful for the ordinary to allocate or allow any sum not exceeding the third part of the annual profits of such benefice, and so proportionably for every less space of time; to be paid to such clerk defendant having actual cure of souls, and serving the said cure by himself, or his curate thereunto lawfully licenced by the bishop or ordinary of the diocese, or to such other curate who shall be duly appointed to serve the cure thereof in case of vacancy and sequestration; which said allocation and service of the

cure

cure, being certified under the hand and seal of the said bishop or ordinary, or guardian or guardians of the spiritualities, such sum or sums of money shall be allowed in the aforesaid account of the said profits. A. D. 1727. Chap. 23.

VI. And forasmuch as the pleading in writs of right of advowson and of *quare impedit* is found very difficult, whereby many patrons are either defeated of the right of presentation, or put to great charge and trouble to recover their right; which is occasioned by the law, as it now is: for remedy whereof be it enacted by the authority aforesaid, That no usurpation upon any avoidance, which may happen from and after the first day of May one thousand seven hundred and twenty eight in any church, vicarage, or other ecclesiastical promotion, shall displace the estate or interest of any person intitled to the advowson or patronage thereof, or turn it to a right; but he or she, that would have a right, if no usurpation had been, may present or maintain his or her *quare impedit* upon the next or any other avoidance, if disturbed, notwithstanding such usurpations. 7 *Anne* 18. *Eng.*

Usurpation shall not displace the estate of patron, or turn it to a right;

but he may present, or maintain *quare impedit* next avoidance.

VII. And if coparceners, or joint-tenants, or tenants in common, be seized of any estate of inheritance in the advowson of any church, or vicarage, or other ecclesiastical promotion, and a partition is or shall be made between them to present by turns, that thereupon every one shall be taken and adjudged to be seized of his or her separate part of the advowson, to present in his or her turn; as if there be two, and they make such partition, each shall be said to be seized, the one of the one moiety to present in the first turn, the other of the other moiety to present in the second turn; in like manner, if there be three, four, or more, every one shall be said to be seized of his or her part, and to present in his or her turn.

Coparceners, jointenants, or in common, in advowson, on partition to present by turns, each seised of a separate part, and to present in turn.

VIII. Provided always, That this act shall continue and be of force for seven years, and to the end of the next session of Parliament after the expiration of the said term of seven years, and no longer.

Continuance 7 years, &c. *continued* 7 *G.* 2, 7. *perpetual* 13 *G.* 2. 4.

A. D. 1727.

CHAP. XXIV.

An Act for preventing the embezzling of goods under the value of forty shillings by servants; and the malicious destruction of engines and other things belonging to mines.

33 H. 8. 5. sess. 1. 2 G. 1. 17.

WHEREAS a good law has been made in this kingdom in the reign of King Henry the eighth to prevent servants of noblemen and others from unlawfully taking away or embezzling the caskets, jewels, or money, or other goods of their masters or mistresses committed to their keeping, of the value of forty shillings or above; which said law has been found useful and beneficial: but the servants of tradesmen, artificers, husbandmen, and dealers in iron-works, mines, and other works, who are intrusted with their masters goods, tools, utensils, and other things under the value of forty shillings, do, notwithstanding the good laws now in force in this kingdom, daily purloin or embezzle their masters goods, tools, and utensils, committed to their charge or keeping, and consent or connive at the stealing and embezzling the same by others, and are encouraged thereto by the difficulty of bringing them to punishment for their said offences: be it enacted by the King's most excellent Majesty by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That if such person or persons shall from and after the first day of May one thousand seven hundred and twenty eight purloin, embezzle, or consent to, or connive at, the unlawful taking and carrying away or embezzling any wares, goods, tools, used in trade, or utensils belonging to his, her, or their master or mistress above the value of five shillings, and under the value of forty shillings, or if such person or persons shall purloin, or embezzle, or consent to, or connive at the unlawful taking and carrying away or embezzling any coals, mineral, or ore, which shall be raised or taken out of any mine or pit, or any timber, iron-tools, or materials whatsoever, above the value of five shillings, and under the value of forty shillings, which shall belong to, or be made use of in working, such mine or mines, and shall be thereof convicted upon oath of one or more credible witness or witnesses before any one or more of his Majesty's justices of the peace for the county, where such offence shall be committed, such justice or justices of the peace shall commit such offender or offenders to the house of correction, and

Servants of tradesmen, husbandmen, dealers in mines, iron and other works intrusted with master's goods, tools, &c. embezzling the same, or coals, ore, timber, &c. above 5 and under 40 s. or consenting thereto or conniving, shall be sent to house of correction, and whipt next market-day, on conviction on oath of 1 witness.

and ſhall order ſuch offender or offenders to be publickly whipt at the next market on the next market-day after ſuch conviction; and the conſtable of ſuch market-town is impowered and required to execute ſuch order, and to whip ſuch offender ſeverely on pain of twenty ſhillings, to be levied by order of the ſame juſtice or juſtices by diſtreſs and ſale of the goods of the ſaid conſtable, and to be paid to the uſe of the church-wardens, and be applied to the poor of the pariſh where ſuch market-town is; and if ſuch perſon or perſons ſhall again offend in the premiſſes, and ſhall thereof be convicted as aforeſaid, ſuch perſon or perſons ſhall be ſent to the houſe of correction, and be there kept to hard labour for three months, and at the end thereof be alſo publickly whipt as aforeſaid, or if ſuch offender or offenders be of ſufficient ability, and can and will pay to the perſon injured treble the value of what ſhall be ſo purloined, embezzled, or ſtolen, which ſaid treble value is to be aſcertained by ſuch juſtice or juſtices of the peace, before whom ſuch perſon or perſons ſhall be ſo convicted, then and in ſuch caſe the perſon or perſons ſo offending, and making ſuch ſatisfaction as aforeſaid, ſhall be diſcharged from ſuch corporal puniſhment.

A. D. 1727. Chap. 24.

Penalty 20 *s.* on conſtable not whipping ſeverely, to the poor.

Offenders a ſecond time ſhall be kept there three months, and whipt, or pay treble value to the party,

aſcertained by the juſtice, before whom convicted.

II. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for any perſon or perſons, having a warrant for that purpoſe under the hands and ſeals of any two or more of his Majeſty's juſtices of the peace, to enter into and ſearch in all ſuſpected places for any ſuch ore, coals, mineral, or timber, purloined, embezzled, or unlawfully taken away as aforeſaid; and if ſuch perſon or perſons ſhall find any ſuch ore, coals, mineral, or timber as aforeſaid, to the value of five ſhillings, in the houſe or poſſeſſion of any perſon or perſons, being a day-labourer or collier, or of any other perſon employed in the raiſing or working of ſuch ore, coals, or minerals, he or they ſo finding the ſame ſhall and may bring ſuch perſon or perſons, in whoſe houſes or poſſeſſions ſuch ore, coals, mineral, or timber, to the value aforeſaid, ſhall be found, before any two or more juſtices of the peace of the ſaid county, where ſuch ore, coals, mineral, or timber ſhall be found; and if ſuch perſon or perſons ſhall not make proof to the ſatisfaction of ſuch two or more juſtices of the peace, that ſuch ore, coals, mineral, or timber, was or were honeſtly bought or acquired by him or them, the perſon or perſons, in whoſe cuſtody ſuch ore, coals, mineral, or timber ſhall be found, ſhall ſtand convicted, and be liable to the penalty or penalties hereby provided againſt thoſe, who ſhall or may be convicted by the oath of one or more credible witneſs or witneſſes as aforeſaid.

Any one with warrant of 2 juſtices may enter and ſearch places ſuſpected,

and if ore, *&c.* of 5 *s.* value, found in poſſeſſion of a labourer, collier, or perſon employed, he may be brought before 2 juſtices,

and not proving it honeſtly acquired, ſhall ſtand convicted.

III. And

A. D. 1727.

Deſtroying engines or ſhafts for mines, or doing damage 5 l. or ſetting on fire ſtacks or mines of coal,

felony, without benefit of clergy, or of 9 *Anne* 6.

III. And be it further enacted, That if any perſon or perſons ſhall wilfully and maliciouſly deſtroy any engine or engines lawfully erected, or any ſhaft or ſhafts, paſſage or paſſages, drain or drains lawfully made for working any mine or mines, or ſhall wilfully and maliciouſly do any damage to the ſame to the value of five pounds, or upwards, or ſhall wilfully and maliciouſly burn or ſet on fire any ſtack of coals or charcoal above ground, or vein, or mine of coals, lying under ground, or any ſhafts or paſſages leading thereto, ſuch offender or offenders, being thereof lawfully convicted, ſhall be adjudged a felon or felons, and ſhall ſuffer death without the benefit of clergy, or of the ſtatute made in the ninth year of the reign of her late Majeſty Queen Anne, intituled, *An act for taking away the benefit of clergy in certain caſes, and for taking away the book in all caſes, and for repealing part of the ſtatute for tranſporting of felons.*

CHAP. XXV.

An act for the relief of inſolvent debtors.

1 *Anne* 25. *ſtat.* 1. *Eng.* 2 & 3 *Anne* 16. *Eng.* 6 *G.* 1. 22. *Eng.* 11 *G.* 1. 21. *Eng.* 2 *G.* 2. 20. *Eng.* 21 *G.* 2 31. *Eng.* 28 *G.* 2. 13. *Eng.* 29 *G.* 2. 18. *Eng.* 10 *Wil.* 3. 1. 4 *Anne* 13. 9 *Anne* 10. 2 *G.* 1. 23. 10 *G.* 1. 11. 6 *G.* 1. 17. 1 *G.* 2. 5. 9 *G.* 2. 20. 23 *G.* 2. 17. 29 *G.* 2. 17. 33 *G.* 2. 17. 1 *G.* 3. 16.

Perſons in priſon, without fraud, on 11 June 1727, and ever ſince continued, on any action or meſne proceſs, &c.

diſcharged on taking the oath herein, &c.

any juſtice, on petition of ſuch

FORASMUCH as great numbers of perſons, now detained in cuſtody in priſon, are reduced to very great poverty through many misfortunes, that have attended them, whereby they are diſabled from giving ſatisfaction to their creditors, and by being detained in priſon are rendred uſeleſs, and a burthen to this kingdom: be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all perſons, who were actually confined in priſon by legal commitments or proceſs, without fraud or colluſion with their creditors or others, upon the eleventh day of June one thouſand ſeven hundred and twenty ſeven, and who have ever ſince ſuch commitment continued in priſon upon any action or actions, or meſne proceſs, for debt or other action or actions whatſoever, which may become judgments, or who have judgment or judgments entered upon record againſt them, or are charged in execution, or impriſoned upon attachments for debt or coſts, or other action or actions, or upon outlawry or outlawries before or after judgment for debt, caſe, or treſpaſs, or upon any other proceſs whatſoever iſſued out of any court of law or equity for debt, damages, or coſts, who ſhall take the oath, and perform all and ſingular the matters and things herein after mentioned, ſhall and may be releaſed and diſcharged from their impriſonment, and the debts owing by them, in ſuch manner as herein after is provided.

II. And be it further enacted by the authority aforeſaid, That it ſhall be lawful for any juſtice of the peace of any county, city, town, or liberty within this kingdom, by warrant under his hand and ſeal to require the ſheriff or ſheriffs, goaler or goalers, or keeper of any priſon, within his or their reſpective juriſdictions, to bring before the juſtices of the peace at the next quarter-ſeſſions for the reſpective county, city, town, or liberty, the body of any perſon, being in priſon for debt, or upon any other action or proceſs as aforeſaid, on the day aforeſaid, and who ſhall petition ſuch

juſtice

justice of the peace to be discharged; which warrant every such sheriff, goaler, or keeper, is hereby commanded to obey under the pain and forfeiture of twenty pounds *sterling* for every such delay, neglect, or refusal, to be paid to the prisoner obtaining such warrant; and to be recovered of any such sheriff, goaler, or keeper of any prison, by action of debt, bill, plaint, or information, wherein no essoin, protection, or wager of law, or more than one imparlance shall be allowed; and such prisoner, coming before such justice of the peace at the said sessions, shall in open court take and sign an oath to the effect following:

prisoner, may by warrant require goaler, &c. to produce him next sessions, on pain of 20 l. to the prisoner.

Prisoner in open court shall take oath following.

I A. B. *do upon my corporal oath in the presence of Almighty God solemnly swear, profess, and declare, that I am not worth in land, money, stock, or any other estate real or personal, in possession, reversion, or remainder, to the value of five pounds* sterl. *in the whole, over and above the effects contained in a schedule now delivered in by me, or sufficient to pay the debt or damage for which I am imprisoned; and that I have not directly or indirectly sold, leased, or otherwise conveyed, disposed of, or intrusted all or any part of my land, money, goods, stock, or estate, whereby to secure the same, to receive or expect any profit or advantage thereof, or to defraud or deceive any creditor or creditors, to whom I am indebted: and that there are not, nor is, to my knowledge or belief, any lands, tenements, or hereditaments, goods, chattels, debt, or other interest whatsoever, assigned or conveyed to any person or persons whatsoever in trust for me, or for my wife, or any child, or any other person, which is any way subject to my order, or under my power, or by which I am any way intituled to any benefit or advantage, other than what is contained in the said schedule now delivered in by me; and that I was actually a prisoner upon the eleventh day of June in the year of our Lord one thousand seven hundred and twenty seven within the prison of at the suit of and have so continued until this day.*

So help me God.

III. And be it further enacted by the authority aforesaid, That the justice of the peace, who shall grant such warrant for bringing such prisoner before the justices of the peace at their next sessions, shall without fee or reward give a writing, importing notice to the creditor or creditors under his hand and seal, that he has granted such warrant, and that the prisoner has petitioned him to be discharged; and the said summons or notice shall be left with or served upon such person or persons, his or their executors, administrators, attorneys, or agents, lawfully authorized, to be left at the dwelling-house or usual place of abode, to whom the prisoner shall stand indebted, at least twenty days before such quarter-sessions, thereby appointing as well the said persons, as the prisoner, to appear before the justices at the next general sessions of the peace to be held for the same county, city, town, or liberty; and when it shall appear upon oath before the said justices, that the said summons was so served or left twenty days or more before the said sessions, and the said oath, taken by the said prisoner, be not disproved by good testimony of any credible person upon oath (to be administered by the said justices of the peace) then such justices of the peace in their said sessions, being satisfied therewith, shall thereupon without fee or reward by their warrant command the sheriff, goaler, or keeper, of any prison to set at liberty the prisoner without fees or chamber-rent, saving only such fees, chamber-rent, and sums of money advanced for the necessary support of prisoners in the prison of the Four-court-marshalsea in Dublin, as shall be due to the marshal or keeper of the said marshalsea; which warrant shall be a discharge to the sheriff, goaler, or keeper of any prison, and indemnify him or them against any escapes.

The justice granting such warrant shall give notice thereof and of the petition, to the creditors; to be served 20 days before sessions:

on proof whereof, and the prisoner's oath not disproved, he shall be discharged without fees, by warrant to the goaler,

except fees, &c to marshal of 4 courts in Dublin.

shall not be again impriſoned for debt or damages before 11 June 1727.

IV. And be it further enacted by the authority aforeſaid, That no priſoner, that ſhall be diſcharged by vertue of this act, ſhall at any time hereafter be impriſoned for any debt, damages, or coſts, for which he, ſhe, or they were committed to priſon before the eleventh day of June one thouſand ſeven hundred and twenty ſeven, or for any debt or damages, which he, ſhe, or they had contracted, or were by him, her, or them, owing and due before the ſaid eleventh day of June one thouſand ſeven hundred and twenty ſeven; and that upon any arreſt upon ſuch debt or damages it ſhall and may be lawful to and for him, her, or them, ſhewing a duplicate of his, her, or their diſcharge, which he, ſhe, or they are to have without fee or reward, to retain an attorney to appear for him, her, or them, and file common bail only, and no more to be required, to every action, and plead thereunto that he, ſhe, or they, were diſcharged by virtue of this act, without ſetting forth any of the matters and things required to be performed by this act, it being to be left to the plaintiff to ſhew any failure therein by his replication, if he ſhall think fit; ſo that the plaintiff, if he pleaſes, may recover and enter up judgment againſt ſuch priſoner, to be executed and levied upon the lands, tenements, goods, and chattels of ſuch priſoner (his or her wearing apparel, and neceſſary furniture for his or her dwelling houſe, and the furniture or neceſſary tools for his or her occupation, not exceeding in the whole five pounds, and ſuch goods as he or ſhe hath had or ſhall have upon freſh credit after ſuch his or her diſcharge, only excepted) but not upon his, her, or their perſon, which ſhall for ever hereafter be freed and diſcharged from impriſonment for any ſuch debt, damages, or coſts, for which they were confined, or which was contracted, due, and owing by them before the ſaid eleventh day of June one thouſand ſeven hundred and twenty ſeven.

if arreſted, may, ſhewing duplicate of diſcharge, file common bail, and plead the diſcharge, it being left to plaintiff to ſhew a failure:

Plaintiff if he pleaſes may enter up judgment.

to be executed upon lands and goods,

except apparel, neceſſary furniture or tools, not above 5 l. and goods on freſh credit after diſcharge,

but not on the perſon.

V. And be it further enacted by the authority aforeſaid, That if any ſheriff, goaler, or keeper of any priſon, ſhall refuſe or delay to bring ſuch priſoner to the quarter ſeſſions in order to his diſcharge, or detain the priſoner, after he ſhall be diſcharged without fees or chamber-rent as aforeſaid, (except the marſhal of the Four-courts in Dublin, who is hereby impowered to carry back or detain any priſoner for any ſum or ſums of money due to him as aforeſaid, until payment or tender thereof and no longer, notwithſtanding any ſuch diſcharge) every ſuch ſheriff, goaler, or keeper of ſuch priſon, and every ſuch marſhal detaining any priſoner after ſuch diſcharge and payment, or tender of ſuch money due to ſuch marſhal as aforeſaid, ſhall forfeit and pay the priſoner ten pounds; to be recovered by civil bill before the judge or judges of aſſize, or before ſuch judge or King's council as ſhall hold ſeſſions in the county of Dublin, or by bill, plaint, or information, in any of his Majeſty's courts, where no eſſoin, protection, or wager of law ſhall be allowed; and alſo ſhall be liable to ſuch fine, not exceeding twenty pounds, as the juſtices of the peace in their diſcretion ſhall think fit to impoſe.

Penalty for not bringing priſoner to ſeſſions, or detaining after diſcharge, 10 l. to priſoner,

and fine not above 20 l.

VI. And be it further enacted by the authority aforeſaid, That upon any action of eſcape, or other ſuit, to be brought againſt any juſtice of the peace, ſheriff, goaler or keeper of any priſon, for doing their office in purſuance of this act, they may plead the general iſſue, and give this act in evidence; and if the plaintiff be nonſuited, or ſhall diſcontinue his action, or a verdict paſs againſt him, or judgment be given againſt him upon demurrer, the defendant ſhall have treble coſts.

Perſons ſued for executing this act may give it in evidence,

and have treble coſts.

VII. Provided, That the diſcharge of any perſon ſhall not acquit any other, jointly or ſeverally bound for the ſaid debt or debts, or any part thereof, either as principal or ſecurity: but that every ſuch perſon or perſons ſhall be anſwerable for the ſaid debt or debts, and damages, in ſuch manner as they were before.

others jointly or ſeverally bound, not acquitted by ſuch diſcharge.

VIII. And be it further enacted by the authority aforeſaid, That this act ſhall not extend to diſcharge any perſon in execution for any fine on him or her impoſed for any offence committed or done againſt the King's Majeſty, or any debtor to the crown.

not to diſcharge offenders againſt, or debtors to, the King.

IX. Provided, That every priſoner on meſne proceſs, if it ſhall be deſired by any creditor, before the juſtice of the peace, to whom the priſoner ſhall apply for his diſcharge, ſhall forthwith give a warrant to ſome attorney to appear and file

Priſoner on meſne proceſs, if deſired by creditor, ſhall forthwith give warrant to appear,

common

common bail, and receive a declaration; and ſuch priſoner ſhall thereupon have the full benefit of this act, as to the liberty of his or her perſon upon the ſaid meſne proceſs, and againſt any judgment or execution, that ſhall be had againſt him or her in ſuch ſuit, as ſhall be brought againſt him or her, to all intents as fully as if he or ſhe had been charged in execution the ſaid eleventh day of June one thouſand ſeven hundred and twenty ſeven: but ſuch perſons, being in priſon upon ſuch meſne proceſs, in ſuch caſe of refuſal to give ſuch warrant of attorney ſhall loſe the benefit of this act.

&c. and have benefit of the act as if charged in execution 11 June.

X. And be it further enacted by the authority aforeſaid, That every priſoner, before he or ſhe ſhall be diſcharged, ſhall make oath before the ſaid juſtices of the peace, to whom the priſoner ſhall apply for his diſcharge, of what effects are belonging to him or her, or in truſt for him or her, or over which he or ſhe hath any power; or out of which he or ſhe is intitled to any advantage or benefit either in law or equity; and of what debts are owing to him or her, and by whom, and for what cauſe, and upon what ſecurity, and ſhall make a ſchedule thereof in the preſence of the juſtices, and ſubſcribed by the priſoner; which ſhall be returned by the juſtices to the next ſeſſions, there to remain for the better information of the creditors of ſuch priſoner; and ſuch eſtate, debts, and effects contained in ſuch ſchedule as aforeſaid, ſhall immediately after the diſcharge of ſuch priſoner be and are hereby veſted in the clerk of the peace of ſuch county, city, town, or liberty, in truſt only and for the uſe of the creditor and creditors of ſuch priſoner; which clerk of the peace is hereby directed and authorized by order of the juſtices at their general quarter ſeſſions of the peace to make an aſſignment of the ſaid eſtate and effects to ſuch of the creditors of the ſaid priſoner, as the major part of the creditors of the priſoner in number and value, who ſhall apply for the ſame, by any writing under their hands ſhall direct and appoint (for which aſſignment the ſaid clerk of the peace ſhall take a fee of two ſhillings and no more) in truſt for themſelves and the reſt of the creditors; which ſaid aſſignee or aſſignees is and are hereby impowered to ſue either at law or in equity in his, her, or their own name or names for, and to recover and receive the ſame, and give ſufficient diſcharge and diſcharges to each reſpective debtor or debtors, and after receipt thereof ſuch aſſignee or aſſignees are hereby required fully to divide the ſame among the creditors, who within one month after notice of ſuch dividend, to be publiſhed in the Dublin Gazette publiſhed by authority, ſhall produce to ſuch aſſignee or aſſignees an affidavit made before one or more juſtice or juſtices of the peace (who is and are hereby impowered to take the ſame) proving his or her debt due from the priſoner ſo diſcharged, in equal proportions according to their reſpective debts; for which aſſignment the clerk of the peace ſhall be paid one ſhilling and no more, and to render the overplus (if any ſhall be, their own debts or charges firſt deducted) to the priſoner, his executors and adminiſtrators: and in caſe ſuch clerk of the peace ſhall neglect or refuſe to make ſuch aſſignment by the ſpace of ten days after ſuch order made by the juſtices as aforeſaid, then ſuch clerk of the peace, ſo neglecting or refuſing, ſhall forfeit double the value of the effects contained in ſuch ſchedule, to be recovered for the benefit of the ſeveral creditors of ſuch priſoner reſpectively by any of the ſaid creditors, who ſhall ſue for the ſame, by action of debt in any of his Majeſty's courts of record.

Priſoner ſhall make oath of his effects, debts due &c. and a ſchedule to be returned to next ſeſſions;

which, after diſcharge, veſted in clerk of peace for creditors.

to be aſſigned to ſuch creditors as major part in number and value in writing appoint in truſt for all,

Aſſignees may ſue in their own names;

give diſcharges,

and divide among creditors (who in a month after notice in Dublin Gazette produce affidavit proving the debt) according to their debts,

rendring overplus to priſoner,

ſaid clerk not making aſſignment 10 days after order,

penalty double the effects in ſchedule,

for the creditors.

XI. And be it enacted by the authority aforeſaid, That where the eſtate or effects of any debtor have been in purſuance of any former act, made in this kingdom for the relief of inſolvent debtors, aſſigned to or veſted in any clerk of the peace in truſt for the creditors of ſuch debtor, and have not been diſtributed or paid to ſuch creditors, every ſuch clerk of the peace at the quarter ſeſſions to be held for the county, city, town, or liberty, where ſuch debtor was diſcharged, at Midſummer one thouſand ſeven hundred and twenty eight, ſhall aſſign ſuch eſtate and effects in the manner, and under pain of the forfeitures, herein before mentioned; and every ſuch aſſignee ſhall have the like powers, and be ſubject to the like orders and directions, in all reſpects as the aſſignees herein before mentioned.

Clerk of peace at Midſummer ſeſſ. 1728, ſhall in like manner aſſign eſtates of debtors by any former act veſted in him, and not diſtributed.

XII. And

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Prisoners convicted of perjury, besides the usual penalties, shall not receive benefit of discharge.

XII. And be it further enacted by the authority aforesaid, That if any prisoner shall forswear or perjure himself in any of the matters aforesaid, and shall be thereof lawfully convicted of wilful perjury, he or she shall, over and above the penalties now in force against persons convicted of wilful perjury, be rendered incapable of receiving any benefit of his or her discharge, and lyable to pay his or her debt, as if this act had not been made.

Trustee for prisoner in 20 days after notice in writing, not disclosing such estate by notice filed with said clerk,

penalty 20 l. and double value, for the creditors.

XIII. And for the better discovery of all such prisoners estates, be it enacted by the authority aforesaid, That all and every person and persons, who shall have accepted of any trust or trusts, and conceal and protect any estate real or personal, of any prisoner discharged by this act as aforesaid, from his, her, or their creditors, and shall not, within twenty days after notice thereof given in writing by any creditor or creditors of such prisoner, discover and disclose such trust or estate by notice in writing, to be filed with the clerk of the peace of such county, city, town, or liberty, where such prisoner was discharged by this act, and thereby fully setting forth all the said estate, whether real or personal, so intrusted with him or them, shall for every such default or wilful omission forfeit the sum of twenty pounds, and double the value of the estate either real or personal so concealed, to and for the use and benefit of the said creditors; to be recovered by action of debt at the expence of the creditors in any of his Majesties courts of record in the name of such clerk of the peace for the county, city, town, or liberty, to whom the prisoner had assigned all his effects as delivered in his schedule as aforesaid, or in the name of such creditor or creditors, to whom such clerk of the peace shall have assigned such effects, or any part thereof as aforesaid; in which case costs shall be allowed to either party, as in other cases is used.

No discharge where more than 200 l. principal to a person, or more than 400 l. to several.

XIV. Provided always, That no person, who shall stand charged in execution, or be in custody on mesne process, at the suit of any one person, for more than two hundred pounds principal money really due, or at the suit of several persons for more than four hundred pounds principal money really due, shall be discharged by vertue of this act; any thing to the contrary thereof notwithstanding.

Several persons not discharged.

XV. Provided also, and be it further enacted by the authority aforesaid, That this act, or any thing therein contained, shall not extend unto the release or discharge of Thomas Grace, now in custody of the marshal of the Four-courts Dublin at the suit of the executors of Henry Luttrel esquire, deceased; but that he the said Thomas Grace shall be and continue in goal or safe custody, as if this act had never been made.

XVI. Provided also, That nothing herein contained shall extend, or be construed to extend, to give any benefit, ease, discharge, or release, to Robert Corry late of Corlate in the county of Fermanagh, now in custody of the marshal of the Four-courts Dublin, or to Nicholas Pike *alias* Pewtner, now a prisoner in the Marshalsea or goal in the city of Waterford, or to Phelim Murry or Neal Mac-Canna, now prisoners in the goal of Monaghan, or in the custody of the sheriff of the county of Monaghan, or to Robert Fisher, now in the custody of the marshal of the Four-courts Dublin, or to Thady Geoghan, now a prisoner in the marshalsea of the Four-courts Dublin, or to Ulick Burk or John Conran, now prisoners in the marshalsea of the Four-courts Dublin, or to colonel John Kempson, or to Richard Daton, or to John Jacob Voto, all prisoners in the marshalsea of the Four-courts Dublin aforesaid.

Not to discharge those in custody for rent, where they or persons deriving under them are in possession;

XVII. Provided also That nothing herein contained shall extend, or be deemed, construed, or taken to extend, to give any benefit, ease, discharge, or release to any person or persons whatsoever, now in custody of any marshal or goaler within this kingdom of Ireland at the suit of any person or persons, bodies corporate or politick, for rent or arrears of rent, which became due and payable out of any lands, tenements, or hereditaments, where he, she, or they, owing such rent or arrears of rent, or any other person or persons deriving by, from, or under him, her, or them, is or are in possession of all or any of such lands, tenements,

nements, or hereditaments, or to any person or persons now in custody at the suit of any person or persons, bodies corporate or politick, for any maim or assault, or for any publick money received by any person or persons whatsoever in custody for the same.

nor for maim or assault, or publick money.

XVIII. And whereas by an act made in the second year of the late Queen Anne, at the humble petition of Sir Hans Hamilton, late of Hamilton's Bawn, baronet, all the estate of him the said Sir Hans Hamilton was vested in trustees therein named, who were obliged and required by sale of all or any part thereof to raise such sum and sums of money, as would discharge the debt of the said Sir Hans Hamilton, without suffering him to receive any part of the said purchase money, or to direct the payment thereof: and whereas the said trustees have actually sold all the said Sir Hans Hamilton's estate, and the money arising by such sale has not been sufficient to answer all his debts, and notwithstanding he gave up his whole fortune in manner aforesaid without the least saving to himself, he has been necessitated, for fear of being put into prison, to withdraw himself into Holland, where he has lived for twenty years last past in an indigent condition: be it therefore enacted by the authority aforesaid, That the person of him the said Sir Hans Hamilton shall never be arrested or imprisoned for or on account of any debt or debts by him owing at the time of the said recited act.

Sir Hans Hamilton not to be arrested,

XIX. Provided always, That he the said Sir Hans Hamilton shall within the space of one year, to be computed from the first day of June in the year of our Lord one thousand seven hundred and twenty eight, make a full and true discovery upon oath before one or more of the barons of his Majesty's court of Exchequer (which he or they are hereby impowered to administer) of all the estate and effects real and personal, which he is possessed of or intitled to in law or equity, and of all debts and sums of money due to him, or to any other person or persons in trust for him; and shall convey, assign, and deliver, or cause the same to be conveyed, assigned, and delivered to such person or persons, as by the said baron or barons of the said court of Exchequer shall be appointed to receive the same; and that from and after such conveyance or assignment all such estate, effects, and debts, shall be and are hereby vested in such assignee or assignees, according to such estate and interest as the said Sir Hans Hamilton then had in the same, and shall be sold and disposed of by such assignee or assignees for the best price that can be had for the same; and all money arising by such sale, or received by such assignee or assignees (all necessary charges being first deducted) shall be divided amongst all the creditors of the said Sir Hans Hamilton in proportion to their several debts, and the surplus (if any) shall be returned to the said Sir Hans Hamilton; and that if he the said Sir Hans Hamilton shall neglect to make such discovery, conveyance, assignment, or delivery, of all and singular his estate, effects, and debts as aforesaid, in the manner and within the time before mentioned, he shall have no benefit by this act.

upon his making full discovery of his estate and effects before a baron, and assigning as directed,

to be sold for his creditors.

XX. And whereas Thomas Thorne of the city of Dublin, merchant, who about nine years ago failed in his credit, and withdrew himself from his business and creditors, hath by a legacy since that time left him, and by other sums which he has got by the charity of his friends and relations, raised sufficient to pay his said creditors four shillings in the pound of their respective debts, which all his creditors, except William Camak of the city of Dublin merchant, to whom the said Thomas Thorne is indebted in the sum of eighty one pounds eight shillings, have agreed to accept as a composition for their respective demands: but the refusal of the said Camak to come into the said agreement or composition has hitherto frustrated the said just and good intention of all the said parties, and the said Thomas Thorne and many of his creditors have prayed, that they and the said Thomas Thorne may be relieved in the premisses: be it therefore enacted by the authority aforesaid, That the said Thomas Thorne, causing notice in writing to be left at the dwelling-house of the said William Camak, that he will on a day, in the said notice to be specified, between the hours of ten and twelve in the forenoon by the hand of

Thom. Thorne discharged on composition with his creditors.

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some publick notary tender unto him at his house aforesaid the said sum of four shillings in the pound of his said debt, as a composition for the same, and desiring such publick notary to go to the said house at the time appointed by such notice, and then and there to tender the said composition-money in the presence of one or more credible witnesses, and to pay the same to the said William Camuk, if ready and willing to receive the same, or to leave the same with the wife or servant of the said William Camuk, if absent, or refusing the same, the said Thomas Thorne shall be discharged of and from the said debt of the said William Camuk, as effectually as if he had received his whole debt, or accepted of the said composition; and if the said Thomas Thorne shall after such payment or tender to the said William Camuk, and composition made with his other creditors, be arrested, sued, or prosecuted by the said William Camuk for his said debt, or by any other of his compounding creditors for their or any of their debts, for which they shall have compounded as aforesaid, it shall and may be lawful to and for the said Thomas Thorne to plead to such person or persons, creditor or creditors, at whose suit he shall be arrested, before any of the judges of the court, out of which the said process, upon which he shall be so arrested, shall issue, and upon producing to such judge this act and the said composition so made with his compounding creditors, or the attestation of the notary publick, who shall make such payment or tender as aforesaid, under his hand of office, and witnessed in the usual manner, such judge shall and he is hereby required to discharge the said Thomas Thorne from his arrest or imprisonment upon paying into court four shillings in the pound as aforesaid, if not before paid, and upon his causing an attorney to appear in the said action or suit; and if such person or persons, creditor or creditors, shall prosecute such suit or action, it shall and may be lawful to and for the said Thomas Thorne to plead the general issue, and give this act in evidence; and if the plaintiff or plaintiffs in such suit or action shall be nonsuited, or judgment shall pass against him or them thereon, the said Thomas Thorne shall have his full costs, to be recovered in such manner, as costs in all other actions are to be recovered, by the course of the court, where such suit or action shall depend.

No prisoner discharged but in quarter sess. for the county where in goal on first of this session, unless removed by *hab. cor.*

XXI. Provided always, That nothing in this act contained shall extend, or be construed to extend, to discharge any prisoner by virtue of this act, but in the quarter sessions to be held for the county, where such prisoner was actually in goal upon the first day of this present session of Parliament, unless the plaintiff or plaintiffs, at whose suit or suits such prisoner was in custody, hath by *habeas corpus* removed, or shall so remove, such prisoner to the Four-court marshalsea.

No benefit by this act to persons discharged by the late insolvent acts.

XXII. Provided also, That no person shall take any benefit or be discharged by virtue of this act, who hath heretofore been discharged out of goal by any of the acts passed in his late Majesty's reign for the relief of insolvent debtors.

CHAP.

A. D. 1727.

CHAP. XXVI.

An act for the more speedy and effectual inclosing the strand on the north side of the river Anna-Liffey near the city of Dublin.

WHEREAS the lord mayor, sheriffs, commons, and citizens of the city of Dublin, being seized in fee of a considerable tract of a ground or strand on the north side of the said river Anna-Liffy, in order to inclose and fence in the same from the sea by a good and substantial wall of lime and stone, did cause the said ground or strand to be surveyed; and after such survey was made, the said lord mayor, sheriffs, commons, and citizens, did by act of assembly, made or passed on or about the eighteenth of January one thousand seven hundred and sixteen, direct and appoint, that the said strand should be set out, and divided into two classes of lots: (that is to say) one by the acre, and the other by the foot, which was accordingly done; and after the said lots were so set out the same were fairly drawn by the then lord mayor, aldermen, sheriffs, and common council of the said city, who were severally to hold and enjoy the said lots to them and their heirs respectively at and under a yearly fee-farm rent of ten pounds for the term of ten years for each of the said lots, to be paid as a publick fund for carrying on the said work; and for encouraging so useful an undertaking the said lord mayor, sheriffs, commons, and citizens, did by deeds of lease and release, bearing date respectively the sixteenth and seventeenth days of June one thousand seven hundred and eighteen, grant and convey in fee-farm the said lots or parcels of ground to the persons respectively intitled to the same on the drawing thereof, and their heirs for ever, at and under the said several yearly fee-farm rents of ten pounds by four quarterly payments for and during the term of ten years, to be computed from the twenty fifth day of March then last past, provided that the said ground or strand should not be sooner inclosed, and the said work finished and done pursuant to the true intent and meaning of the said deeds of release, and the rules and regulations thereunto annexed; and from and after the expiration of the said ten years the respective proprietors of the said lots are to hold the same from the said lord mayor, sheriffs, commons, and citizens for ever, under and subject to the yearly rent of one pepper corn for each of the said lots, and no more: and whereas the sum of thirteen thousand pounds and upwards hath already been paid and laid out by the said proprietors in

Lord-mayor, &c. of Dublin by act of assembly 18 January 1716, divided the North-strand into lots,

at 10 l. yearly fee-farm rent,

as a publick fund for inclosing it,

and in 1718 granted said lots in fee-farm, at said rents for 10 years.

13000 l. already laid out.

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in taking in and incloſing the ſaid ground or ſtrand, but the ſaid yearly fee-farm rent of ten pounds, payable by each of the ſaid proprietors for the ſaid term of ten years, which expires on the twenty fifth day of March one thouſand ſeven hundred and twenty eight, will not be ſufficient to finiſh the ſaid work; and, in caſe a further fund be not immediately raiſed and provided for carrying on the ſame, all, that is already done, will ſuddenly periſh and decay: and whereas the finiſhing of the ſaid work will not only be of great advantage to the reſpective proprietors of the ſaid ſtrand, but very beneficial to the trade and commerce of the ſaid city, by deepning and cleanſing the channel of the ſaid river Anna-Liffey, and thereby making a free and open paſſage for all ſhips coming to and going from the ſaid city: to the end therefore that ſo uſeful a work may be finiſhed with all convenient ſpeed, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and every perſon and perſons, who now are, or at any time hereafter during the term of ſeven years to be computed from the twenty fifth day of March, which will be in the year of our Lord one thouſand ſeven hundred and twenty eight, ſhall be, ſeized of or intitled unto any of the ſaid lots or parcels of ground or ſtrand, ſhall and may meet and aſſemble themſelves together in the Tholſel of the ſaid city of Dublin four times in every year: (that is to ſay) on the firſt day of April, the firſt day of July, the firſt day of October, and the firſt day of January, unleſs any of the ſaid days ſhall happen to be Sunday, and then on the day after; and the ſaid proprietors, or the major part of them preſent, at any of the ſaid days or meetings ſhall and may conſtitute and appoint any thirteen or more of themſelves to be a committee to manage and carry on the ſaid work.

not ſufficient to finiſh the work, which will decay without further fund: ſaid work very beneficial to trade.

The proprietors ſhall meet 4 times a year, in the Tholſel,

and may appoint a committee for ſaid work.

II. And for defraying the charge and expence, which muſt neceſſarily attend the carrying on of the ſaid work, be it enacted by the authority aforeſaid, That each and every of the ſaid lots or parcels of the ſaid ground or ſtrand ſhall from and after the ſaid twenty fifth day of March, and for the term of ſeven years next enſuing, be charged with, and ſubject and liable unto, the yearly rent of ten pounds, to be paid and payable by the reſpective proprietors thereof, by four quarterly payments; that is to ſay, on the twenty fourth day of June, the twenty fourth day of September, the twenty fourth day of December, and the twenty fourth day of March yearly and every year, during the ſaid term of ſeven years, without any deduction or abatement whatſoever, to ſuch perſon or perſons as the ſaid committee, or any ſeven or more

Each lot liable to 10 l. yearly rent for 7 years, by 4 quarterly payments,

more of them, shall by writing under their hands and seals appoint to receive the same; the first payment thereof to begin and to be made on the twenty fourth day of June, which will be in the year of our Lord one thousand seven hundred and twenty eight; which said yearly sums of ten pounds shall be paid to the person or persons, who shall be appointed as aforesaid to receive the same, upon trust, and to the intent and purpose, that the same, and every part thereof, may be laid out and applied from time to time as the said committee, or any seven or more of them, shall direct and appoint for the carrying on and finishing the said work, and to and for no other use, intent, or purpose whatsoever.

to be employed on said work.

III. And whereas great arrears of the said yearly fee-farm rents reserved and made payable by the said fee-farm deeds are now due, and the remedy thereby given for recovery thereof hath proved ineffectual, and the finishing so necessary and useful a work may be greatly delayed and obstructed, if some more effectual remedy be not provided for the recovery of the said arrears and of the said yearly sums of ten pounds, hereby intended to be raised and paid by the said respective proprietors of the said lots: be it enacted by the authority aforesaid, That where and as often as the sum of ten pounds or more is or shall be due and in arrear out of or for any one of the said lots by virtue of this present act, and the said fee-farm deeds, or either of them, then and in such case from time to time it shall and may be lawful to and for the said committee, or any seven or more of them, and they are hereby authorized and impowered, after such notice given as is herein after mentioned, absolutely to sell and convey such lot or lots, for which such sum or sums of ten pounds or more shall be so in arrear, by publick cant to the fairest bidder; and the said committee, or any seven or more of them, are hereby required and impowered out of the money arising by such sale in the first place to pay and satisfy the arrear, which at the time of the said sale shall be due and owing for or out of the said lot or lots, which shall be so sold, and after payment and satisfaction thereof, and the necessary costs and charges in and about the said sale, the residue of the money arising from such sale or sales (if any there be) shall be paid to the person or persons, who at the time of such sale shall be intitled to the said lot or lots, that shall be sold as aforesaid.

Remedy for arrears of said rent.

Where 10*l.* due, the committee may sell the lots, to pay arrear, by publick cant.

IV. And be it further enacted by the authority aforesaid, That the receipt or acquittance of the said committee, or any seven or more of them, shall be a good and sufficient discharge to the person or persons, who shall buy any of the said lot or lots on such publick cant, for his and their respective purchase-money; and from and after the payment thereof such purchaser and pur-

Committee's receipt a sufficient discharge to purchaser for his money.

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chaſers, his and their heirs and aſſigns reſpectively, ſhall for ever after hold and enjoy the ſaid lot or lots, by them purchaſed as aforeſaid, freed and diſcharged of and from all title, claim, and demand whatſoever of every ſuch proprietor and his heirs, or any other perſon or perſons claiming by, from, or under him or them.

Six months notice before day of ſale ſhall be poſted and publiſhed.

V. Provided always, and be it further enacted by the authority aforeſaid, That before ſuch ſale ſhall be made as aforeſaid, publick notice thereof in writing under the hands of the ſaid committee, or any ſeven or more of them, ſhall be given by publickly poſting up the ſame in the Tholſel of the ſaid city of Dublin, and publiſhing ſuch notice in ſome publick news-paper at leaſt ſix months before the day, which ſhall be therein appointed for the ſale thereof.

Sale not to proceed, on payment of arrear and 7 *l. per cent.* before the day.

VI. Provided nevertheleſs, That if ſuch proprietor, his heirs or aſſigns, ſhall at any time before ſuch cant pay off and diſcharge all arrears of the ſaid yearly ſum of ten pounds together with intereſt at the rate of ſeven *per cent* for the ſame, and every part thereof, from the time it became due to the time of ſuch payment, that then and in ſuch caſe ſuch ſale ſhall not be proceeded upon; any thing herein contained to the contrary thereof notwithſtanding.

If in the 7 years the work declared finiſhed, ſaid 10 *l.* rent ſhall ceaſe.

VII. Provided alſo, and be it further enacted by the authority aforeſaid, That if at any time within the ſaid term of ſeven years, to be computed from the ſaid twenty fifth day of March one thouſand ſeven hundred and twenty eight, the ſaid ground or ſtrand ſhall be incloſed, and the ſaid work ſhall be declared by the ſaid proprietors, or the major part of them, who ſhall be aſſembled, at two ſucceſſive quarterly meetings, by order in writing, to be finiſhed and compleated, then and from thenceforth the ſaid yearly ſum of ten pounds, herein before enacted to be paid by the proprietors for each of the ſaid lots, ſhall ceaſe and determine, and each and every of the ſaid proprietors, their heirs and aſſigns reſpectively, ſhall for ever after hold and enjoy their reſpective lots or parcels of the ſaid ground or ſtrand exonerated and diſcharged of and from the payment of the ſaid yearly ſum of ten pounds, and every part thereof, other than ſuch arrears thereof as ſhall be due and owing at or before the finiſhing of the ſaid work, in the ſame manner as he, ſhe, or they would be intitled to hold and enjoy the ſame according to the true intent and meaning of the ſaid fee-farm deeds, in caſe this act had never been made: any thing herein before contained to the contrary thereof in any wiſe notwithſtanding.

VIII. Provided nevertheleſs, That if any of the ſaid proprietors ſhall think him, her, or themſelves agrieved by ſuch order or declaration, it ſhall and may be lawful to and for ſuch proprietors, not being leſs in number than fifteen, within three months after the ſaid quarterly meetings by petition to appeal from ſuch order or declaration to the lord high chancellor of Ireland, or the lords commiſſioners for hearing cauſes in the high court of Chancery, for the time being, who is and are hereby impowered to hear and determine the ſame in a ſummary way, and by his or their order to reverſe, alter, change, or confirm ſuch order or declaration made at the ſaid quarterly meetings; which order, ſo made by the lord high chancellor or lords commiſſioners as aforeſaid, ſhall be final and concluſive to all parties; any thing herein contained to the contrary notwithſtanding.

15 proprietors may in 3 months after orders at the meetings appeal to lord-chancellor; whoſe determination, in ſummary way, final.

IX. And to the end that the ſaid yearly ſum of ten pounds, hereby appointed to be paid for each of the ſaid lots, may with all convenient ſpeed be applied and laid out in carrying on and finiſhing the ſaid work, be it enacted by the authority aforeſaid, That the ſaid committee, or any ſeven or more of them, to be appointed as aforeſaid, ſhall have full power and authority, and they are hereby authorized and impowered, to contract and agree with ſuch fit and able workmen or labourers, and ſuch other perſons as they ſhall judge neceſſary, to be employed in taking in and incloſing the ſaid ground or ſtrand, and ſuperintending and overſeeing the ſaid work, and alſo to buy, contract, and agree for all ſuch working-tools, implements, materials, and other neceſſaries whatſoever, as ſhall be fit and proper to be employed or made uſe of in or about the ſaid work, and to lay out and diſpoſe of all monies, that ſhall be raiſed and paid by virtue of this act, in ſuch manner as they ſhall think fit and convenient for the carrying on and compleating the ſaid incloſure.

The committee may employ workmen, buy tools, &c.

X. And be it further enacted by the authority aforeſaid, That the perſon or perſons, who ſhall be appointed to receive the monies, that ſhall be raiſed by virtue of this act, ſhall pay the ſame to ſuch perſons, and in ſuch manner, as the ſaid committee, or any ſeven or more of them, ſhall by writing under their hands order or appoint; and that ſuch order or appointment of the ſaid committee, or any ſeven or more of them, ſhall be a ſufficient diſcharge to the perſon or perſons, who ſhall be appointed as aforeſaid to collect and receive the monies, that ſhall be raiſed in purſuance of this act, for ſuch part or ſo much thereof as he or they ſhall really pay or lay out purſuant to ſuch order or appointment of the ſaid committee, or any ſeven or more of them, as aforeſaid.

Receiver ſhall pay as ordered by committee.

XI. Provided

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every one accountable only for his own acts.

XI. Provided always, and be it further enacted by the authority aforeſaid, That the ſaid committee, or any of them, or the perſon or perſons who ſhall be appointed as aforeſaid to receive the monies, that ſhall be raiſed or paid by virtue of this act, ſhall not be chargeable but for his or their own act or acts in or about the premiſſes, and not the one of them for the act or default of the other of them, nor ſhall be anſwerable for any money whatſoever ariſing by this act, but for ſo much only as they ſhall actually receive, nor ſhall be accountable or anſwerable for the acts or defaults of the other or others of them.

XII. And whereas it hath been found by experience, that a juſt and exact obſervance of all and every the rules, orders, regulations, and directions, ſettled and agreed upon by the ſaid proprietors, and every of them, at and immediately before the execution of their reſpective deeds of fee-farm, and which are mentioned and comprized in their ſaid reſpective deeds, and in a ſchedule to each of the ſaid deeds annexed, have very much contributed to the ends and purpoſes propoſed thereby, and that the ſame, or ſo many of them as may be neceſſary to be followed and obſerved for the future, may be ſubmitted unto by the ſaid proprietors: be it therefore further enacted by the authority aforeſaid, That ſuch and ſo many of the articles, covenants, clauſes, proviſoes, conditions, and agreements, mentioned and contained in the ſeveral deeds of fee-farm, made and executed to the reſpective proprietors of the North-ſtrand near the city of Dublin aforeſaid (other than and except ſuch clauſes and covenants in the ſaid deeds of releaſe, which relate to or in any wiſe concern the payment of the yearly fee-farm rents of ten pounds therein ſeverally reſerved and made payable) and alſo ſuch and ſo many of the ſeveral regulations and orders mentioned and comprized in a ſchedule to each of the ſaid deeds of fee-farm annexed, intitled a ſchedule of the ſeveral regulations and orders agreed to by both parties to the deed annexed, and to be performed by all and every of them, and which are mentioned in the ſaid deeds, and referred to therein, as the ſaid ſeveral proprietors, or the major part of them at their general aſſembly or meeting, ſhall judge neceſſary, and by order in writing ſigned by the ſaid proprietors, or the major part of them, direct to be obſerved, be and ſhall be during the ſaid term of ſeven years (in caſe the ſaid ſtrand be not ſooner incloſed) fully obſerved, performed, fulfilled, and ſubmitted unto by all and every of the preſent and all future proprietors of the ſaid North-ſtrand, his, her, and their heirs and aſſigns reſpectively, in ſuch and the ſame manner, to all intents, conſtructions, and purpoſes whatſoever, as if the ſame and every of the ſaid articles, covenants, clauſes, proviſoes, conditions, agreements,

The regulations agreed on by the proprietors, and compriſed in a ſchedule, ſhall be performed, as if in this act expreſſed.

agreements, regulations, and orders had been expreſſed, mentioned, and particularized in this preſent act. A. D. 1727.

XIII. And be it further enacted by the authority aforeſaid, That the ſaid proprietors, or the major part of them, preſent at any of the ſaid quarterly meetings from time to time, during the ſaid term of ſeven years (in caſe the ſaid ſtrand be not ſooner incloſed) ſhall and may make, ordain, and appoint, any further or other reaſonable orders, rules, and regulations in writing, as they the ſaid proprietors, or the major part of them ſo aſſembled, ſhall judge neceſſary for the carrying on and finiſhing the ſaid undertaking, and to promote the ends and purpoſes aforeſaid; and whatever orders, rules, and regulations, ſhall from time to time be ſo made, ſettled, and agreed upon by the ſaid proprietors, or the major part of them ſo aſſembled, for the carrying on and finiſhing the ſaid undertaking as aforeſaid, ſhall be fully obſerved, performed, fulfilled, and ſubmitted unto by each and every of the ſaid proprietors, his, her, and their heirs and aſſigns reſpectively; ſo as ſuch rules, orders, and regulations to be made as aforeſaid, be not for the raiſing any farther or other ſum or ſums of money; and ſo that the ſaid rules, orders, or regulations, ſo to be made, be not to continue in force longer than the ſaid term of ſeven years, and ſo as the ſame be not repugnant to the laws and ſtatutes of this realm. Chap. 26.

Majority of proprietors aſſembled may make further regulations, which ſhall be obſerved, ſo as not for raiſing more money, nor to continue longer than 7 years, nor repugnant to laws of the realm.

XIV. Saving to the King's moſt excellent Majeſty, his heirs and ſucceſſors, and to all and every perſon and perſons, bodies politick, and corporate, their heirs, ſucceſſors, executors, adminiſtrators, and aſſigns, other than and except the ſaid proprietors, their heirs and aſſigns reſpectively, all ſuch right, title, eſtate, and intereſt, as they, or any of them have or may claim in or to the ſaid premiſſes, or any part thereof, as fully and amply as if this act had never been made; any thing herein contained to the contrary thereof in any wiſe notwithſtanding. Saving the right of others.

A. D. 1727.

CHAP. XXVII.

An act for the better regulating the work-house of the city of Dublin; and to regulate and provide for the poor thereof: and to prevent mischiefs, which may happen by keeping gun-powder within the said city.

19 G. 2. 21. 2 Anne 19. ineffectual:

WHEREAS the act made in the second year of the reign of her late Majesty Queen Anne, intituled, *An act for erecting a work-house in the city of Dublin, for employing and maintaining the poor thereof*, hath not answered the good end and design proposed thereby: but notwithstanding the said act the city and liberties thereto adjoining are extreamly burthened with great numbers of poor and idle vagrants, many of whom are able to work and earn their bread, if proper care were taken to regulate and employ them: be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That from and after the first day of May one thousand seven hundred and twenty eight the corporation, made and established by the said act, shall be and is hereby to all intents and purposes dissolved.

The corporation thereby established, dissolved.

And a corporation hereby appointed for ever in the county of the city of Dublin.

II. And be it further enacted by the authority aforesaid, That from and after the said first day of May one thousand seven hundred and twenty eight there be and shall be a corporation to continue for ever within the county of the city of Dublin, which corporation shall consist of the several persons hereafter mentioned: (that is to say) the chief governor or governors of this kingdom, lord primate of all Ireland, lord high chancellor, lord archbishop of Dublin, lord-mayor of the city of Dublin, the speaker of the house of commons, the lord of the mannor of Thomas-court and Donore, the chancellor of the Exchequer, the principal secretary of state, the three chief judges, his Majesty's prime sergeant at law, the attorney general, the solicitor general, the vicar general of Dublin, the deans of Christ-church and saint Patrick's Dublin, the recorder, aldermen, and sheriffs of the city of Dublin, the state-physician, the physician general of the army, the chirurgeon general, the surveyor general, the high sheriff of the county of Dublin, the seneschals of Saint Sepulchres and Thomas-court respectively, the master of the Royal hospital, the minister of each and every parish in the city and suburbs of Dublin respectively for the time being, the right honourable

honourable Robert earl of Kildare, the right honourable Edward earl of Drogheda, the right honourable James earl of Barrymore, the right honourable Thomas earl of Kerry, the right honourable James earl of Abercorn, the right honourable Richard lord viſcount Fitz-William, the right honourable Alan lord viſcount Midleton, the right honourable Joſhua lord viſcount Allen, the right honourable Brabazon lord viſcount Duncannon, lord biſhop of Meath, lord biſhop of Cloghor, lord biſhop of Elphin, lord biſhop of Leighlin and Ferns, the right honourable William lord baron of Howth, the right honourable Henry lord baron of Santry, the right honourable Brinſley lord baron Butler, Jeffery Paul eſquire, the right honourable lieutenant general Owen Wynne, Thomas Carter, George Rochfort, Robert Cope, Henry Bingham, Eaton Stannard, the honourable Humphery Butler, Iſaac Manley, the right honourable James Tynte, the right honourable Marmaduke Coghill, the honourable Guſtavus Hamilton, Henry Roſe, Thomas Staunton, Charles Coote, Richard Dawſon, John Foſſiot, Abel Ram ſenior, and Samuel Burton eſquires, Sir Robert Maude baronet, Hugh Henry, James Stephenſon ſenior, Charles Lambert, Francis Lucas, Theophilus Clements, Herculus Rowly, the honourable Richard Steward, the right honourable Richard Tighe, William Graham, Thomas Upton, Nathaniel Clements eſquires, James Coghill eſquire, doctor of laws, Sir Henry King baronet, major general Robert Naper, Luke Gardiner, William Maynard eſquires, the right honourable Sir Thomas Taylor baronet, Sir Arthur Acheſon baronet, Cæſar Colclough, Silveſter Croſs, John Bingham, Arthur Blenerhaſſett, Michael Cuffe, James Mc. Cartney, Henry Sandford, David Chaigneau, the right honourable Henry Maxwell, the right honourable Benjamin Parry, Agmondiſham Veſey, Alexander Mt. Gomery, Henry Ingoldeſby, William Brownlow, Owen Wynne, Ephraim Dawſon eſquires, Sir Compton Domvile baronet, William Veſey, Robert Dickſon, the honourable Robert Allen, George Johnſton, Thomas Meredith and John Rotchfort eſquires.

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III. And be it further enacted by the authority aforeſaid, That on the death of any perſon or perſons, whoſe name is herein particularly before mentioned, whereby a vacancy of a governor ſhall happen, that then the governors of the ſaid work-houſe at the next or ſome other quarterly meeting, to be held as hereafter is mentioned, ſhall elect another perſon, who ſhall be reſident within the ſaid city of Dublin, and ſhall pay at leaſt twenty ſhillings *per annum* miniſters money, or who lives and reſides within ten miles of the ſaid city of Dublin, in the place and ſtead of every ſuch perſon ſo dying; and as often as any vacancy

Governors of work-houſe at quarterly meeting ſhall on vacancy elect another, reſident, paying 20 s. miniſter's money, living within 10 miles of Dublin.

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shall happen in the place of any of the persons hereafter to be elected to succeed therein, some other person or persons qualified as aforesaid shall in like manner be elected; which said persons, so from time to time elected, shall to all intents and purposes be deemed and taken to be governors of the said corporation, as if their names were herein particularly inserted.

Said corporation to have perpetual succession, common seal, implead, and purchase 2000 l. *per ann.* for said corporation;

and called *Governors of the work-house of the city of Dublin.*

IV. And be it further enacted by the authority aforesaid, That from and after the said first day of May one thousand seven hundred and twenty eight the aforesaid persons shall for ever in name and fact be one body politick and corporate in law to all intents and purposes, and shall have perpetual succession, and be called the governors of the work-house of the city of Dublin, and shall be enabled to plead and sue, and to be sued and impleaded, by that name, and shall and may have a common seal for their use, and shall and may without license in mortmain purchase, take, and receive any lands, tenements, or hereditaments whatsoever, not exceeding the annual value of two thousand pounds, for the use and benefit of the said corporation.

15 governors shall meet 7 May 1728, and in 8 days after appoint a treasurer and overseer during pleasure, at 60 l. yearly;

who shall give security;

and likewise appoint a register, at 25 l. yearly;

to summon the members to a general assembly 4 times a year, or oftner if occasion, and do other business.

V. And be it enacted by the authority aforesaid, That the said governors, or any fifteen or more of them, do and shall on the seventh day of May one thousand seven hundred and twenty eight assemble in the said work-house, and shall then and there appoint some convenient time, not less than eight days after the said meeting, for the constituting and appointing a proper person to be their treasurer or steward and overseer of the said work-house during pleasure at a salary not exceeding sixty pounds *per annum*, who, when so constituted and appointed by the said governors, fifteen at least being present, shall give sufficient security to the said governors for the faithful discharge of the trust reposed in him; and the said governors shall also at the same time nominate and appoint a register to the said work-house during pleasure, at a salary not exceeding twenty five pounds *per annum*, who shall from time to time issue summonses to each and every member of the said corporation residing in the said city of Dublin, or liberties thereunto adjoining, to meet and assemble together at the said work-house, in order to hold a general court of assembly four times in every year on the following days, *viz.* on every Monday immediately following the days hereafter mentioned, *viz.* every twenty fourth day of June, twenty ninth day of September, twenty fifth day of December, and twenty fifth day of March, or oftner, as the said governors, or any fifteen or more of them, shall see occasion, and shall also do and perform such other business, as the said governors shall from time to time appoint; which said officers shall execute the said employments in person, except in case of

Said officers to act in person, except

sickness

ſickneſs or neceſſary abſence, to be approved of by the ſaid gover- A. D.
nors; in which caſes the perſons officiating for the ſaid officers 1727.
ſhall be approved of by the ſaid governors as aforeſaid; and that Chap. 27.
it ſhall and may be lawful to and for ſuch governors, fifteen at ſickneſs or ne-
leaſt being preſent, at any ſuch meeting or meetings to nominate ceſſary abſence approved by the gover-
and appoint all neceſſary under officers to the ſaid houſe, with nors;
ſuch reaſonable ſalaries as they ſhall judge proper, to continue their depu-
alſo during pleaſure, and to make and ordain ſuch rules, ordi- ties alſo ap-
nances, by-laws, and other regulations, as the ſaid governors, or proved of.
any fifteen or more of them, ſhall judge neceſſary and expedient Governors to nominate
for the government of the ſaid work-houſe, and the maintenance under officers at reaſonable
of the poor therein; ſo as the ſame be conſonant to reaſon, and ſalaries,
not contrary to the laws and ſtatutes of this realm. and make reaſonable and lawful re-
gulations.

VI. And be it enacted by the authority aforeſaid, That all lands and tenements of or belonging to the ſaid corporation hereby diſſolved, and all and every ſum and ſums of money, goods and chattels, debts and dues, and all rights of action, rights of entry, uſes, truſts, intereſts, poſſibilities, claims, and demands whatſoever either in law or equity, which the ſaid corporation ſhall be intitled unto on the ſaid firſt day of May one thouſand ſeven hundred and twenty eight by virtue of the ſaid recited act, intituled, *An act for erecting a work-houſe in the city of Dublin for employing and maintaining the poor thereof*, or otherwiſe howſoever, ſhall from and after the ſaid firſt day of May one thouſand ſeven hundred and twenty eight be veſted in the governors of the work-houſe of the city of Dublin hereby appointed, and their ſucceſſors for ever, for the uſe and ſupport of the ſaid work-houſe, and the poor to be employed and maintained therein, any law or ſtatute to the contrary notwithſtanding. All lands, goods, &c. of the former corporation veſted in this.

VII. And be it further enacted by the authority aforeſaid, That the ſaid corporation created by this act ſhall from and after the ſaid firſt day of May one thouſand ſeven hundred and twenty eight be ſubject and liable to all actions and ſuits, cauſes of action and ſuit, claims and demands whatſoever, to which the ſaid corporation hereby diſſolved would have been ſubject and liable, in caſe this act had not been made, and in the ſame manner to all intents and purpoſes; and that all actions and ſuits, which ſhall have been brought either by or againſt the ſaid corporation hereby diſſolved, and ſhall be depending on the ſaid firſt day of May, ſhall be continued and carried on by or againſt the ſaid corporation hereby created, by the name of the governors of the work-houſe of the city of Dublin, in the ſame manner as ſuch actions or ſuits might have been continued or carried on againſt the ſaid corporation of the governors and guardians of the poor of the city of Dublin, in caſe the ſame had not been diſſolved. All actions depending by or againſt the ſaid corporation ſhall be carried on.

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VIII. And whereas there are considerable sums of money now due and in arrear out of the respective parishes within the said city of Dublin, and liberties thereto adjoining, which ought to have been levied and received by the church-wardens of the said parishes for the use of the said work-house; and also arrears due, which should have been collected for the said work-house, out of those places which are *extra parochial*, by the church-wardens of the adjoining parishes, and other arrears due in respect of coaches, cars, drays, and chairs; and whereas it likewise appears there are arrears of rent due out of several lands of inheritance, which have been granted for the better maintainance of the poor within the said house; to the end therefore that all such arrears may be collected and applied according to the direction and intention of the said recited act; be it further enacted by the authority aforesaid, That all and singular the said arrears be and are hereby vested in the governors of the work-house of the city of Dublin appointed by this act, and their successors, for the use of the said work-house; and that each and every of the said parishes and places *extra parochial*, and also the tenants of the said lands given to the said house, who have not duly paid the several sums of money which they were respectively obliged to pay pursuant to the said recited act, do forthwith pay the same to such person or persons as by the governors of the work-house hereby nominated and appointed, or any fifteen or more of them, shall be impowered to collect the same; and that such person or persons so appointed by the said governors of the said work-house, or any fifteen or more of them, shall have full and absolute power and authority either to compound for such sum and sums of money so in arrear, or to sue for and recover the same by distress, or any other ways and methods, as the same could or might have been sued for and recovered by the said recited act; and that the said arrears, or so much thereof as shall be collected and received, shall be applied and disposed of in the first place for the payment of such debts, as have been *bona fide* contracted by the governors appointed by the before recited act, in maintaining and supporting the poor of the said work-house; and the overplus, if any, shall be applied in such manner, and to such uses, as the governors of the work-house of the city of Dublin hereby appointed, and their successors, fifteen at least being present, shall direct and appoint; and that such person or persons, as shall be appointed to collect and receive all or any of the funds hereby intended for the use of the said house, and the maintenance and support of the poor therein, shall give receipts under his or their hands for all such sum and sums of money, as by him or them shall be collected and received.

All arrears vested in said governors;

to be paid to receiver appointed,

who may compound, or sue for them, as by 2 *Anne* 19.

To be applied first for payment of debts; and then as by said governors directed.

Receipts given by collector thereof.

IX. And the better to enable the said governors of the work-house to execute the trust reposed in them; be it enacted by the authority aforesaid, That from and after the said first day of May one thousand seven hundred and twenty eight the governors of the work-houses of the city of Dublin hereby appointed, and their successors, shall have, enjoy, and be vested with all and singular the powers, rights, privileges, jurisdictions, and authorities, which the governors and guardians of the poor of the city of Dublin were vested with, or had a right to, by virtue of the said recited act, and shall and may by the name of the governors of the work-house of the city of Dublin do, perform, and execute all and singular the acts, matters, and things, which by the said governors and guardians of the poor of the city of Dublin by the said recited act might lawfully be done, performed, and executed; and that all and every person and persons, who shall be intrusted with the receipt of the revenue of the corporation hereby created, or any part thereof, and all other persons whatsoever, who shall account with the said corporation, fifteen of the governors at least being present, for any sum or sums of money by him or them collected and received for the use of the said corporation, shall account on oath before the said governors, if required; which oath the said governors are hereby impowered to administer.

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said governors shall enjoy all powers which the governors and guardians of the poor had by 2 *Anne*. 19.

Receivers to account on oath before 15 governors.

X. And be it further enacted by the authority aforesaid, That the said governors of the said work-house do and shall at their general quarterly meetings or assemblies, which shall be held the Monday immediately after the twenty fourth day of June in every year, constitute and appoint out of and from amongst themselves the number of fifteen or more to be called assistants; which persons so chosen as assistants, or any five or more of them, shall have full power and authority, and they are hereby authorised and impowered, for the term and space of one year after their being so chosen to meet and assemble themselves together at such place and places, and as often, as they shall think proper, and shall and may put in force and execution all and every the laws, rules, orders, and regulations, which shall from time to time be made or ordained by the said governors, fifteen at least being present, at any of their said quarterly or other general meetings or assemblies; and that the said assistants shall, during the said term of one year, have full and absolute power and authority to inspect into and regulate the management of the goal or house of correction, commonly called Bridewell, near the city of Dublin.

said governors at general quarterly meeting after 24 June yearly shall appoint 15 at least of their body assistants;

who, or any 5, may meet and execute the regulations made,

and inspect into the management of Bridewell.

XI. And whereas it is necessary for the support of the said work-house and maintenance of the poor therein, that the several yearly

This act amended 3 G. 2. 17. 5 G. 2. 14.

A. D. 1727. Chap. 27.

yearly rents payable for coaches, chairs, carts, cars, brewers drays, and carriages, and the duties on houſes granted by the ſaid recited act, which are now expired, ſhould be revived: be it enacted by the authority aforeſaid, That the ſaid governors, fifteen at leaſt being preſent, ſhall have power and authority, and they are hereby impowered and required, under their common ſeal, from and after the firſt day of May one thouſand ſeven hundred and twenty eight to licenſe all ſuch perſons, as ſhall keep, drive, or carry any hackney coach or coaches, chairs or ſedans, and all carts or cars, plying for hire, and all brewers drays or carts within the ſaid city, or liberties thereunto adjoining, as aforeſaid; and that the number of all hackney coaches ſo to be licenſed as aforeſaid ſhall not exceed two hundred, and the number of chairs or ſedans ſo to be licenſed ſhall alſo not exceed two hundred; and for every licenſe to be granted for each coach there ſhall be paid to the governors of the ſaid work-houſe the ſum of five pounds by way of fine for ſuch licenſe, before ſuch licenſe ſhall be delivered to him or them as aforeſaid; and the licenſes for coaches, and chairs or ſedans, and every of them, ſhall be granted to continue for and during the term of one and twenty years from the ſaid firſt day of May one thouſand ſeven hundred and twenty eight, and no longer, and ſhall be transferable or deviſable by the parties, to whom the ſame ſhall be granted, or by their executors, adminiſtrators, or aſſigns, under the rents and covenants therein to be contained; and upon every of the ſaid licenſes for each and every coach there ſhall be reſerved and made payable to the governors of the ſaid work-houſe, and their ſucceſſors, the yearly rent or ſum of forty ſhillings, and for each and every chair or ſedan forty two ſhillings, and no more, to be paid quarterly at the four uſual days of payment in the year, viz. on every twenty fourth day of June, twenty ninth day of September, twenty fifth day of December, and twenty fifth day of March, in every year, with ſuch covenants, conditions, and proviſoes therein to be inſerted for the more effectual payment thereof as the ſaid governors in their diſcretion ſhall think fit.

19 G. 2. 21.
25 G. 2. 16.
Yearly rents for coaches, &c. and duties on houſes, granted by 9 Anne. 19. being expired, ſhould be revived.
15 governors ſhall licence hackney coaches, &c.
number of coaches and chairs, not above 200 each.
25 G. 2. 16.
5 l. firſt paid for licence.
Licences for coaches and chairs for 21 years from 1 May 1728, 19 G. 2. 21. enlarged.
Transferable or deviſable.
3 G. 2. 17.
On licence for a coach 40 s. yearly reſerved.
for a chair 42 s.
payable quarterly, to the governors.

XII. And be it further enacted by the authority aforeſaid, That an entry ſhall be made of every aſſignment or deviſe of every ſuch licenſe in ſome book or books, to be kept by the regiſter of the ſaid work-houſe for that purpoſe, within three months after ſuch transfer or deviſe, which entry ſhall be made without fee or reward; to which book or books every perſon concerned ſhall have free acceſs to inſpect the ſame at all ſeaſonable times without fee or reward; and in caſe no ſuch entry ſhall be made within the ſpace of three months as aforeſaid, every ſuch deviſee or aſſignee ſhall upon

Regiſter ſhall without fee enter in 3 months every transfer or deviſe of licence.
free acceſs thereto.

upon such failure forfeit the sum of five pounds; and that from and after the first day of July one thousand seven hundred and twenty eight no person or persons shall presume to drive, carry, or let to hire by the hour, day, or otherwise, any hackney coach or coaches, chair or sedan, to ply within the said city or liberties aforesaid, or within the parishes or places comprized within the bills of mortality adjoining to the said city, without such leave or license first obtained from the said governors, fifteen at least being present, as aforesaid, under the penalty of ten pounds for every coach, and five pounds for every chair, which shall so ply contrary to the true intent and meaning of this act; and that no horse, gelding, or mare, to be used in such hackney coach or coaches, shall be under the size of fourteen hands according to the standard, under the penalty of forty shillings for every time they shall be so used; and every coach, chair, or sedan, so to be licensed, shall have a mark of distinction by a figure on a large square tin plate, with the number in large figures, in white, or otherwise, as the said governors shall think fit; which said mark shall be placed on each side of every such coach, chair, or sedan, in such manner as the said governors shall think proper; and if the coachman, driver, chairman, or carriers of any coach, chair, or sedan, plying for hire as aforesaid, shall drive or carry without such mark of distinction or figure any coach, chair, or sedan, or if any person or persons shall blot out, deface, or change the mark or figure appointed for such coach, chair, or sedan as aforesaid, every person or persons so offending for every such offence shall forfeit the sum of forty shillings; one moiety of all the aforesaid penalties to go and be applied to the use and benefit of the informer, and the other moiety to the use of the said corporation hereby created for the benefit of the said work-house; which said several penalties of ten pounds, five pounds, and forty shillings, shall be recovered before the said governors, fifteen at least being present, in a summary way, on proofs made before them on oath, which oath the said governors are hereby impowered to administer after one summons to the party offending, and shall be levied by distress and sale of the offender's goods by warrant under the hand and seal of such governors, or any five of them, unless such penalty be paid within ten days after such distress shall be taken; and in case no sufficient distress can or may be had or found to answer the said penalties respectively, that then the person or persons so offending shall by warrant under the hands and seals of the said governors, or any five of them, be sent to the house of correction, there to be kept to hard labour for any time not exceeding one month.

A. D. 1727. Chap. 27.

Penalty 5 l. if no such entry.

Penalty for driving, &c. a coach without licence, 10 l.

5 l. every chair.

No horse used under 14 hands, penalty 40 s.

9 *Anne* 23. *Eng.*

every coach or chair shall be numbered on each side.

Penalty for plying without or defacing it 40 s.

All penalties to informer and the corporation:

before said governors summarily, on proof on oath;

by distress, and sale if not paid in 10 days:

for want of distress, to house of correction 1 month.

A. D. 1727. Chap. 27.

XIII. And be it further enacted by the authority aforesaid, That no hackney coachman so licensed, nor the driver of such coach, shall presume to take for his hire in and about the said city, or within five miles of the same, above the rate of six shillings and six pence for a day, reckoning twelve hours to the day; and by the hour not above thirteen pence for the first hour, and six pence halfpenny for every hour after, and six pence halfpenny for setting down any person or persons in any place of the said city or liberties aforesaid as far as the publick lights are erected; and that no chairman, or carrier of chairs or sedans, shall take for his hire in and about the said city or liberties above the rate of three shillings for a day as aforesaid, and by the hour not above twelve pence for the first hour, and six pence for every hour after, and six pence for setting down any person or persons in any place of the said city or liberties as aforesaid; and if any coachman, chairman, or carrier of chairs or sedans, shall exact more for his hire than the several rates hereby limited, or leave his or their fare without permission, the owners or proprietors of such coach, chair, or sedan, shall for every of such offence of such coachman or driver, or chairman, or carriers of chairs, forfeit any sum not exceeding forty shillings, to be recovered before any one of his Majesty's justices of the peace of the county of the city of Dublin, or the aforesaid seneschals in their respective liberties; which penalties shall be levied by distress and sale of the goods and chattels of the proprietor or owner of such coach, chair, or sedan, by warrant under the hand and seal of such justice or seneschal, unless such penalty be paid within ten days after such distress shall be taken; and the overplus, all charges being deducted, shall be returned to the owner; one moiety whereof shall be applyed to the use of the corporation hereby created for the benefit of the work-house, the other moiety to the use of the informer; which sum or sums the said justice or justices and seneschals, when paid or levied, are hereby required to pay accordingly.

Hire of a coach in Dublin, or 5 miles, 6 s. and 6 d. *per* day; 12 d. first hour, 6 d. halfpenny after; and for setting down as far as the publick lights, 6d halfpenny: 3 G. 2. 17. 25 G. 2. 16. *altered.* of a chair 3s. *per* day; 12 d. first hour, 6 d. after; and 6d. for setting down.

Penalty for exacting more, or leaving fare, 40 s. before a justice or seneschal, by distress as aforesaid. 5 G. 2. 14. 19 G. 2. 21.

XIV. Provided always, and be it further enacted by the authority aforesaid, That no person or persons to whom such licenses for keeping chairs shall be granted as aforesaid, shall in his own name, or in the name of any other person for his, her, or their use, or in trust for him, her, or them, have at any one time more than two such licensed chairs; and in case the said governors of the work-house, or the said court of assistants, shall have reason to suspect, that any person or persons have therein offended, it shall and may be lawful to and for the said governors of the work-house, or the said court of assistants, to summon such person or persons to appear before them at the time and place in such summons

None shall have more than 2 licensed chairs. 3 G. 2. 17. *further inforced.*

ſummons mentioned; and in caſe ſuch perſon or perſons after ſuch ſummons, ſo as the ſame be perſonally ſerved twenty four hours before the time appointed for his, her, or their appearance, ſhall neglect to appear, without ſome reaſonable cauſe for ſo doing, or after appearance it ſhall be found by the confeſſion of the party, or by the oath of one or more credible witneſs or witneſſes, or other due proof, that ſuch perſon or perſons have ſo offended contrary to this act, which oath the ſaid governors of the work-houſe, or the ſaid court of aſſiſtants, have hereby power to adminiſter, every perſon or perſons ſo offending ſhall forfeit all the licenſes for chairs granted to them by virtue of this act, or which he, ſhe, or they ſhall be intitled unto by aſſignment, or otherwiſe, and ſuch licences are hereby declared to be void to all intents and purpoſes whatſoever; and the governors of the ſaid work-houſe are hereby authorized and required to grant ſuch forfeited licenſes to any other perſon or perſons under the ſame yearly rents, as are payable for the other licenſed chairs.

on pain of forfeiting licences, which may be granted to any other.

XV. And be it further enacted by the authority aforeſaid, That all brewers drays or cars, and carts and cars uſually plying for hire, within the ſaid city and liberties aforeſaid, from and after the ſaid firſt day of May one thouſand ſeven hundred and twenty eight ſhall be licenſed by the ſaid governors, fifteen at leaſt being preſent; and upon every ſuch cart, car, and brewers dray, a mark of diſtinction or figure ſhall be placed, in ſuch manner and form as the ſaid governors, fifteen being preſent, ſhall think proper; and upon every of the ſaid licenſes there ſhall be reſerved annually to the ſaid governors the ſeveral ſums following: (that is to ſay) for every ſuch cart, brewers dray, or car, the ſum of twenty ſhillings, and for every other car ten ſhillings, the ſame to be paid quarterly, on the twenty fourth day of June, twenty fourth day of September, the twenty fourth day of December, and the twenty fourth day of March, yearly and every year; and in caſe the ſaid annual rents or ſums, or any part thereof, ſhall be in arrear after the days, on which the ſame are hereby made payable, by the ſpace of twenty days, that then the ſaid licenſe ſo granted ſhall be forfeited; and before a new licenſe, or any other licenſe, ſhall be granted to ſuch perſon or perſons ſo neglecting to pay the ſaid rent by the time or times aforeſaid, he, ſhe, or they ſhall pay down not only all arrears due on ſuch forfeited licenſe, but alſo the ſum of twenty ſhillings as a fine upon ſuch new licenſe, in caſe the licenſe forfeited was for a cart or brewers dray, and ten ſhillings as a fine for a car plying for hire.

Brewers drays, &c. and cars for hire ſhall be licenſed,

and numbered;

reſerving annually for brewer's drays, &c. 20 s.

other cars, 10 s.

5 *G.* 2. 14. *altered.*

payable quarterly.

If in arrear 20 days, licence forfeited:

and before another licence granted, beſides the arrear ſhall be paid 20 s. for brewer's dray, &c. 10 s. for a car.

XVI. Provided nevertheleſs, That if the ſaid governors ſhall think proper to proceed for recovery of the ſaid arrears by diſtreſs, it ſhall and may be lawful to and for the ſaid governors by warrant

or the governors may diſtrain, and not take advantage of the forfeiture.

A. D. 1729. Chap. 27.

rant under the hand and ſeal of any five of them by diſtreſs and ſale of the goods of the owner or proprietor of ſuch cart, car, or brewers dray, to levy the ſaid arrear, rendring, after all charges deducted, the overplus to the owner; in which caſe no advantage ſhall be taken by the ſaid governors of the ſaid forfeiture.

Owners thereof ſhall regiſter their names, abodes, and numbers,

XVII. And to the intent the owners or proprietors of ſuch carts or cars, brewers drays or cars, may be truly known, the proprietor of every ſuch cart, car, brewers dray or car, ſhall on or before the ſaid firſt day of July one thouſand ſeven hundred and twenty eight enter his or their names, and their reſpective places of abode, and the number of their carts and cars plying for hire as aforeſaid, and the ſeveral brewers drays or cars which he, ſhe, or they ſhall reſpectively have and make uſe of, with the regiſter of the ſaid work-houſe, in a book to be kept for that purpoſe, for which he ſhall take three pence, and no more.

paying 3 d.

XVIII. And whereas the city of Dublin and ſuburbs thereof have very much increaſed ſince the ſaid recited act, made in the ſecond year of the reign of her late Majeſty Queen Anne, and conſequently the poor, which may be ſupported in the ſaid work-houſe are now more in number than formerly; and in order to raiſe a further ſupply for their maintenance and ſupport, be it further enacted by the authority aforeſaid, That for every car or cart, that ſhall carry and draw for hire into the city of Dublin, or into the liberties thereto adjoining, any bricks, ſtones, ſand, gravel, or any ſuch like materials commonly employed and made uſe of by builders, a licenſe ſhall alſo be taken out from the ſaid governors of the ſaid work-houſe under their common ſeal; and for every ſuch licenſe there ſhall be paid to the ſaid governors for the uſe of the ſaid work-houſe the ſeveral ſums following: (that is to ſay) for every ſuch cart the ſum of ten ſhillings, and for every ſuch car the ſum of five ſhillings, and no more; and that for every ſuch cart or car drawing ſtones, bricks, ſand, or gravel for building, there ſhall from and after the firſt day of May one thouſand ſeven hundred and twenty eight be paid yearly to the ſaid governors, and their ſucceſſors, the ſeveral ſums following: (that is to ſay) for every cart yearly the ſum of ten ſhillings, and for every car the yearly ſum of five ſhillings, and no more; the ſame to be paid by the ſame quarterly gales, and at the ſame times, and under the ſame penalties, and to be recovered in ſuch and the ſame manner, as the ſeveral yearly rents payable for other carts, brewers drays, and cars, are hereby made recoverable.

as a further ſupply on increaſe of the poor, every car or cart hired to draw materials for builders ſhall be licenced,

paying for a cart 10 s. licence, and 01 s. yearly;

for a car 5s. licence, and 5 s. yearly,

under like penalties.

Penalty on all ſuch carts, cars, and brewer's

XIX. And be it further enacted by the authority aforeſaid, That all and every perſon or perſons, who ſhall keep or drive any cart or car plying for hire, or who ſhall keep or drive any cart or car

car for drawing bricks, ſtones, ſand, or gravel, made uſe of by builders in the ſaid city or liberties as aforeſaid; and every brewer, who ſhall keep or drive any dray or car without being licenſed or entered as aforeſaid, ſhall forfeit and pay to the ſaid governors and their ſucceſſors, for the uſe of the ſaid work-houſe the juſt and full ſum of twenty ſhillings for each and every ſuch offence, to be recovered by the ſaid governors in ſuch and the ſame manner, as the ſeveral other penalties and forfeitures herein mentioned are to be recovered againſt the drivers of or keepers of coaches without licenſe as aforeſaid.

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drays, if not licenſed, 20 s. to the governors.

XX. And be it further enacted by the authority aforeſaid, That all fines for licences, and the annual rents of one hundred and fifty of the ſaid coaches, and one hundred and ſixty chairs, ſhall be applied to and for the uſe of the ſaid work-houſe; and that the rents of the other fifty coaches and forty chairs ſhall be paid to and applied by the governors of the Blue-coat hoſpital for the uſe of the ſaid hoſpital, and poor children educated therein.

All fines for licence, and rents of 150 coaches and 160 chairs, to uſe of work-houſe:

of the other 50 coaches and 40 chairs, to Blue-coat hoſpital.

XXI. And be it further enacted by the authority aforeſaid, That for the better regulating and ordering ſuch perſons, who ſhall be licenſed to keep hackney coaches, chairs, carts, cars, or drays, and the coachmen, chairmen, drivers and carriers thereof, and all draymen and carmen, and to prevent diſturbances, ſtoppages, and other inconveniencies in the ſtreets, where ſuch coaches, chairs, carts, cars, or drays ſhall ſtand, be driven or carried, and for puniſhing any rudeneſs, inſult, or miſbehaviour by any coachman, chairman, carter, carman, or drayman, and the coachman and chairman, who ſhall refuſe to go for hire, when not actually employed and paid for waiting, or who ſhall be guilty of exacting more than his fare; it ſhall and may be lawful to and for the ſaid governors, fifteen at leaſt being preſent, to make ſuch orders and by-laws to bind all and every the perſons, who ſhall have licenſes to keep hackney coaches, chairs, carts, cars, or drays, and alſo the coachmen, chairmen, drivers, and carriers thereof, and the draymen and carmen, and annex ſuch reaſonable penalties and forfeitures, not exceeding forty ſhillings, for the breach of any ſuch by-law, on the perſons offending, or by making void the licenſe which the perſon ſo offending had for keeping any ſuch coach, chair, cart, car, or dray; or by ſubjecting ſuch perſons, as ſhall drive or carry any hackney coach or chair for hire, and all draymen and carmen, to corporal puniſhment, by ſending them to the houſe of correction, there to be whipt, and kept to hard labour for any time not exceeding ten days, or by cauſing them to be publickly whipt through

For better ordering, &c. 15 governors may make by-laws, binding all who have licences,

with penalties not exceeding 40 s.

or the houſe of correction, &c.

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through the ſtreets of the city of Dublin; ſo as ſuch rules, orders, and by-laws, be approved of by the lord chancellor, or lords commiſſioners of the great ſeal, and the three chief judges for the time being, or any three of them, and after ſuch approbation ſhall be printed and publickly poſted on the Tholſel of the city of Dublin, and the ſaid work-houſe, and ſuch other places as the ſaid governors ſhall appoint; and that the ſaid penalties and forfeitures be inflicted and recovered by and before any of the juſtices of the peace of the county of the city of Dublin, or any of the ſeneſchals within their reſpective liberties and juriſdictions, who are hereby impowered and required to hear and determine the ſame, and to award execution thereon.

ſo as approved by lord chancellor, &c.

and printed and poſted.

ſaid penalties before juſtices or ſeneſchals.

XXII. Provided, That nothing herein contained ſhall extend, or be conſtrued to extend, to any ſtage-coach, or other coach which ſhall be hired on any journey into the country.

Not to extend to a ſtage, or coach hired on journey.

XXIII. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall refuſe or neglect to pay any coachman or chairman the money juſtly due to him or them for carrying ſuch perſon or perſons in his or their coach or chair, or ſhall wilfully cut, deface, or break any ſuch coach or chair, it ſhall and may be lawful to and for any juſtice of the peace or ſeneſchal aforeſaid within their reſpective juriſdictions, where ſuch refuſal ſhall be made, or damage done, upon complaint thereof to grant a ſummons, requiring ſuch perſon to appear before him at a certain time and place to anſwer ſuch complaint; and in caſe any perſon ſo ſummoned, not being a peer of Parliament, ſhall refuſe to appear, then to grant a warrant to bring before him the perſon, againſt whom ſuch complaint ſhall be made; and upon proof made upon oath, which oath the ſaid juſtice or ſeneſchal hath hereby power to adminiſter, to award reaſonable ſatisfaction to the party grieved for his damage and coſts; and upon refuſal to pay or make ſuch ſatisfaction, to bind over the party refuſing to the next general quarter-ſeſſions of the peace to be held for the city or county, where the offence ſhall be committed; and the juſtices in ſuch quarter-ſeſſions have hereby power finally to hear and determine the matter of the ſaid complaint, and to award ſatisfaction to the party grieved, and for nonpayment to levy the ſame by diſtreſs upon the goods and chattels of the party, againſt whom ſuch complaint ſhall be made.

Perſons not paying for hire ſhall be ſummoned before a juſtice, 5 G. 2. 14. 19 G. 2. 21.

and not appearing, a warrant ſhall iſſue, not being a peer,

and on proof on oath, ſatisfaction awarded,

on non-payment bound over to ſeſſions,

where finally determined.

XXIV. And for the better ſupport and maintenance of the ſaid poor in the ſaid work-houſe, be it further enacted by the authority aforeſaid, That there ſhall be charged upon and paid for all and every the houſes within the ſeveral pariſhes of the city of Dublin,

3 d. *per* pound. ſhall be charged on houſes, according to va-

Dublin, and within the liberties of ſaint Sepulchres, Thomas-court, and Donore, thereto adjoining, and within the liberties of Chriſt-church and ſaint Patrick's, the ſum of three pence in the pound for every pound of the yearly value of every ſuch houſe or houſes, as the valuations are returned for the collection of miniſters money in the city and liberties aforeſaid; and where no ſuch valuation is or ſhall be returned, the ſum of three pence in the pound *per annum* according to the rent payable by the tenants in poſſeſſion; and in caſe ſuch rent is only a ground-rent, then according to the rent, that ſuch houſe might be reaſonably ſet for to a ſolvent tenant; ſuch rent to be aſcertained by four of the pariſhioners, to be named by the church-wardens; which ſaid three pence *per* pound ſhall be payable and paid for and during the term of one and twenty years, to commence from the firſt day of May one thouſand ſeven hundred and twenty eight, and from thence ſhall continue to the end of the next ſeſſion of Parliament after the ſaid twenty one years, and be a charge on the inhabitant or inhabitants of every houſe or houſes, and ſhall be levied by diſtreſs, or otherwiſe, by the church-wardens of the reſpective pariſhes, and in places *extra parochial* by the church-wardens of the adjoining pariſh, at ſuch time, and in ſuch manner, as the miniſters money in the ſaid city is levied by a ſtatute made in this kingdom in the ſeventeenth and eighteenth years of King Charles the ſecond, intituled, *An act for the proviſion of miniſters in cities and corporate towns, and making the church of St. Andrews in the ſuburbs of the city of Dublin preſentative for ever*, and ſhall be by them reſpectively paid to the governors of the ſaid work-houſe for the uſe of the poor of the ſaid houſe.

Valuation for miniſter's money, or to the rent payable, or for which it might be let to ſolvent tenant, aſcertained by 4 pariſhioners, *or, if not in a month, by the governors.* 19 G. 2. 21. 3 G. 2. 17. *additional* 3 d. 5 G. 2. 14. payable 21 years, &c. 19 G. 2. 21. *continued* 21 *years*, &c. charged on inhabitants, levied by diſtreſs by church-wardens, as by 17 and 18 C. 2. 7. 3 G. 2. 17. 5 G. 2. 14. *others may be appointed.* and paid to the governors.

XXV. And be it further enacted by the authority aforeſaid, That the ſeveral ſums of money, which ſhall be paid for licenſing the ſaid coaches, carts, and cars, by virtue of this act, and the ſeveral fines, forfeitures, and penalties, herein and hereby directed to be paid, not otherwiſe hereby diſpoſed of, ſhall be, and the ſame, and every part thereof, is hereby veſted in the ſaid governors and their ſucceſſors, to be by them employed and made uſe of in purchaſing of goods, wares, and merchandizes, to be wrought up and manufactured in the ſaid work-houſe.

All penalties, not otherwiſe diſpoſed, veſted in the governors for the work-houſe.

XXVI. And be it further enacted by the authority aforeſaid, That all and every poor child or children, found or taken up within the city or liberties, which ſhall be left to be maintained by any pariſh or pariſhes in the ſaid city or liberties aforeſaid, who are unable to ſupport themſelves, ſhall from and after the age of ſix years be admitted and received into the ſaid work-houſe, and there be taught to read and write, and throughly inſtructed in the

Poor deſerted children ſhall after 6 be received into the work-houſe, and inſtructed to read and write and in a trade, 3 G. 2. 17. *altered.*

A. D. 1727. Chap. 27.

the principles of the proteſtant religion of the church of Ireland as by law eſtabliſhed; and as the male children ſhall be ſeverally fit and capable, ſuch male children ſhall be taught and inſtructed in ſuch trades or callings, as the ſaid governors, fifteen at leaſt being preſent, ſhall direct and appoint, and ſhall be ſeverally employed in ſuch trades and callings within the ſaid houſe until they ſhall reſpectively attain the age of twenty one years; at which age they ſhall be ſeverally diſcharged from their ſervice, and receive a certificate under the common ſeal of the ſaid corporation, notifying his or their having been brought up and educated in the ſaid houſe, and of his and their having been inſtructed in ſuch trade or profeſſion as he and they have been taught: and on his and their producing the ſaid certificate, and taking ſuch oaths as the law ſhall direct, he and they ſhall be, and are hereby declared to be, a freeman and freemen of the ſaid city of Dublin, and of the corporation in which trade or calling he or they had been inſtructed, and have ſuch and the ſame privileges as any other freeman or freemen of the ſaid city and corporation have or can enjoy; and that ſuch female children, as ſhall be received into the ſaid houſe, ſhall be there maintained and inſtructed in ſuch proper trades, and be diſpoſed of at ſuch ages, and in ſuch manner, as the ſaid governors, fifteen at leaſt being preſent, ſhall judge neceſſary.

at 21 diſcharged, receiving a certificate,

on producing which, and taking the oaths, freedom of Dublin.

Females inſtructed, and diſpoſed as by 15 governors thought fit.

No right to vote for member of Parliament till admitted free by lord-mayor, &c.

XXVII. Provided always, That no perſon or perſons, intitled to his freedom by virtue of this act, ſhall have a right to vote for members to ſerve in this or any enſuing Parliament for the city of Dublin, unleſs he or they ſhall have been firſt admitted free of the city of Dublin by the lord mayor, ſheriffs, commons, and citizens thereof.

XXVIII. And whereas the expoſed or foundling children, left yearly on the ſeveral pariſhes in the city and ſuburbs of Dublin, are very numerous, and do moſtly periſh before they attain the age of ſix years for want of due care and proviſion for them, and it is manifeſt that neither the work-houſe of the ſaid city, or the fund thereof, is large enough for the reception or the relief of ſuch foundlings before they attain the age aforeſaid: be it therefore enacted by the authority aforeſaid, That for the ſupport of ſuch children till they ſhall reſpectively attain the age of ſix years as aforeſaid, the miniſter, church-wardens, and pariſhioners of the ſeveral pariſhes within the city and ſuburbs of Dublin aſſembled in veſtry, ſhall yearly on Eaſter Monday or Tueſday elect two or more overſeers of the poor of each pariſh reſpectively, to be ſworn into their office by the ordinary within one month after ſuch election, who ſhall take order for the nurſing and

Overſeers ſhall be appointed yearly at Eaſter at veſtry, to take care of ſuch foundlings till admitted.

maintaining ſuch expoſed or foundling children, as are or ſhall be left upon the pariſh, till they ſhall be admitted into the work-houſe. A. D. 1727. Chap. 27.

XXIX. And for enabling the ſaid overſeers to relieve and provide for pariſh foundlings as aforeſaid; be it further enacted by the authority aforeſaid, That at a publick meeting of the miniſter, church-wardens, and pariſhioners of each pariſh reſpectively aſſembled in veſtry as aforeſaid, the ſaid miniſter, church-wardens, and pariſhioners ſo aſſembled, being at leaſt thirteen in number, or the major part of them, ſhall make and ſettle a pariſh ceſs, for ſo much money as they ſhall judge neceſſary for relieving and maintaining the foundlings and expoſed children lying on ſuch pariſh reſpectively; which ceſs ſhall be equally applotted on the ſeveral houſes thereof in proportion to the miniſters money charged on the ſaid houſes, and ſhall be collected as other pariſh ceſſes for the relief of the poor are collected; and ſuch money ſo collected ſhall be paid to the ſaid overſeers of the poor for the uſes aforeſaid; and all ſuch overſeers ſhall on the feaſt of the Aſcenſion of our Bleſſed Lord and Saviour in every year at a meeting of the miniſter and pariſhioners, to be then held for that purpoſe, deliver up their accounts of all ſums of money charged, received, and applied by them for or towards the maintenance of ſuch pariſh foundlings, and alſo a parchment-roll or liſt of all the foundling children, which lay upon the pariſh at the time they entered upon their office, and which ſince came thereon, with the places wherein they were expoſed or left, and the time of ſuch expoſure, and of their death or removal from the pariſh, and the names and abodes of the perſons, by whom they are nurſed; which account and liſt being examined and allowed by the miniſter, church-wardens, overſeers, and pariſhioners aſſembled as aforeſaid, or the major part of them, ſhall be fairly entered in a book to be provided and kept for that purpoſe by the church-wardens of every ſuch pariſh, and ſhall be ſubſcribed by the ſaid overſeers; and that no compoſition ſhall be made by the ſaid overſeers with the nurſes appointed to nurſe and take care of ſuch foundling child or children, but ſuch overſeers ſhall pay an annual ſtipend for the nurſing and maintaining ſuch child or children; and the ſaid overſeers are hereby required to ſee ſuch foundling child or children quarterly, to the intent they may be truly informed of the ſtate and condition of ſuch child or children, and whether they are ſufficiently taken care of.

For which a pariſh-ceſs ſhall be ſettled in veſtry, 3 *G.* 2. 17. 5 *G.* 2. 14.

Overſeers ſhall account at the Aſcenſion, and give a liſt of the foundlings, where and when expoſed, death, *&c.* and names of nurſes;

ſaid account and liſt allowed in veſtry ſhall be entered.

Overſeers ſhall pay yearly ſtipend to nurſes without compoſition,

and viſit quarterly.

A. D. 1727. Chap. 27.

Five aſſiſtants ſhall depute perſons to apprehend ſturdy beggars or vagabonds, 3 G. 2. 17. *altered.*

XXX. And be it further enacted by the authority aforeſaid, That the ſaid aſſiſtants, or any five or more of them, do and ſhall conſtitute and depute ſuch and ſo many perſons, as they ſhall judge neceſſary, who ſhall have full power and authority to ſeize, and apprehend, and bring before the ſaid aſſiſtants, or any five or more of them, any ſturdy beggar or beggars, or other idle vagabond or vagabonds, that ſuch perſon or perſons ſo deputed ſhall know, find, or be informed of, to be begging, ſtrowling, or frequenting , of the ſtreets or houſes within the ſaid city or ſuburbs of Dublin or the liberties thereunto adjoyning; and the ſaid aſſiſtants, or any five or more of them, are hereby impowered by warrant under their hands and ſeals to commit the ſaid perſons, who ſhall from time to time be ſo apprehended and brought before them, to the ſaid work-houſe, there to be confined and kept to hard labour, if they think fit, until the next general court of aſſembly, where ſuch ſturdy beggar or beggars, idle vagabond or vagabonds, ſhall be brought and examined by the ſaid governors; and if the ſaid governors, not being leſs than fifteen in number, ſhall ſee ſufficient cauſe, they ſhall and may confine ſuch ſturdy beggar or beggars, idle vagabond or vagabonds, in the ſaid work-houſe for any term not longer than four years, there to be kept to hard labour, or otherwiſe employed as they ſhall ſee cauſe.

To be committed to work-houſe till next general aſſembly; when (if 15 governors ſee cauſe) they may be kept to hard labour 4 years, &c.

5 G. 1. 26. *Eng.* 11 G. 1. 23. *Eng.*

XXXI. And whereas there are great quantities of gun-powder kept in ware-houſes, ſhops, cellars, and vaults in the city of Dublin and ſuburbs thereof, and liberties thereunto adjoyning, and in caſe of fire may be of dangerous conſequence to the lives and properties of the inhabitants of the ſame: for preventing whereof be it enacted by the authority aforeſaid, That every perſon or perſons, who ſhall keep or lodge in any houſe, ware-houſe, ſhop, vault, or any other place within one mile of the ſaid city (except in his Majeſty's ſtores) any greater quantity of gun-powder than one hundred weight at any one time, that ſuch perſon and perſons ſhall for every ſuch offence forfeit the ſum of one hundred pounds; two third parts whereof ſhall be for the uſe of the informer, and the other third part thereof to and for the uſe of the ſaid work-houſe: and if any merchant or other perſon ſhall import any gun-powder into the port of Dublin, ſuch importer or importers ſhall not lodge or depoſite the ſame in any houſe, ware-houſe, ſhop, vault, or any other place within one mile of the ſaid city of Dublin, nor ſhall ſuffer the ſame to lie on the cuſtom-houſe quay for any longer time than twenty four hours; and ſuch importer or importers acting contrary

None ſhall keep above 100 weight of gunpowder within a mile of Dublin, except in the King's ſtores.

Penalty, 100*l.* 2 thirds to informer, one to the work-houſe.

Importers of gunpowder not to depoſite it in a houſe in a mile of Dublin,

nor to let it lye on the quay above 24 hours.

trary hereunto ſhall for each and every ſuch offence forfeit and pay the ſum of one hundred pounds; two third parts thereof to the uſe of the informer; the other third part thereof to the uſe of the ſaid work-houſe; and if complaint ſhall be made upon oath to the lord-mayor of the city of Dublin, or ſeneſchal of the aforeſaid liberties reſpectively, of any greater quantity of gun-powder than one hundred weight being lodged or depoſited in any of the places aforeſaid, the ſaid lord-mayor or ſeneſchals reſpectively are hereby directed and required to iſſue his or their warrant to any bailiff or other officer, thereby impowering him to enter into any houſe, ware-houſe, ſhop, vault, or other place, where information is given that gun-powder is lodged, and there examine whether any greater quantity than one hundred weight is lodged in any ſuch houſe, ware-houſe, ſhop, vault, or other place; and if ſuch bailiff or other officer ſhall be debarred or hindred from executing ſuch warrant by any perſon or perſons whatſoever, ſuch perſon or perſons ſhall for ſuch offence forfeit the ſum of one hundred pounds; two third parts thereof for the uſe of ſuch bailiff or other officer, and the other third part thereof to the uſes of the ſaid work-houſe; which ſaid ſeveral penalties ſhall be recovered by action of debt, bill, plaint, or information in any of his Majeſty's courts in Dublin, wherein but one imparlance, and no eſſoin, protection, or wager of law, ſhall be allowed.

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Penalty 100 l. as aforeſaid.

On complaint of greater quantity, lord-mayor, or ſeneſchal ſhall iſſue warrant to enter and ſearch:

if hindered, penalty 100 l.

two thirds to the officer, one to work-houſe.

XXXII. Provided always, That it ſhall and may be lawful to and for any perſon or perſons by and with the conſent and approbation of the chief governor or governors of this kingdom for the time being, teſtified by any writing or writings under his and their hands and ſeals reſpectively, to erect any ware-houſe or ware-houſes for keeping of gun-powder on any proper and convenient plot or plots of ground within the limits aforeſaid; any thing in this preſent act to the contrary thereof in any wiſe notwithſtanding.

But with conſent of chief governors ware-houſes for gunpowder may be erected in ſaid limits.

XXXIII. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall at any time be ſued or proſecuted for any thing by him or them done or executed in purſuance of this act, he or they ſhall or may plead the general iſſue, and give this act and the ſpecial matter in evidence for his defence; and if upon a tryal a verdict ſhall paſs for the defendant or defendants, or judgment ſhall be given againſt the plaintiff or plaintiffs upon demurrer, or the plaintiff or plaintiffs be nonſuit, diſcontinue, or forbear proſecuting their ſaid actions, then ſuch defendant or defendants ſhall have double coſts to him or them

Perſons ſued for acting may plead general iſſue, and have double coſts on nonſuit, &c.

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them awarded againſt ſuch plaintiff or plaintiffs; for which coſts he ſhall have ſuch remedy as in other caſes, where coſts are by law given to defendants.

No *certiorari* ſhall ſuperſede orders of ſaid governors.

XXXIV. Provided alſo and be it enacted, That no writ or writs of *certiorari* ſhall ſuperſede execution or other proceedings upon any order or orders made by the ſaid governors, aſſiſtants, juſtices, or ſeneſchals, in purſuance of this act; but that execution and other proceedings ſhall and may be had and made thereupon; any ſuch writ or writs or allowance thereof notwithſtanding.

A. D. 1729.

THE THIRD YEAR OF GEORGE II.

CHAP. I.

An Act for granting and continuing to his Majesty an additional duty on beer, ale, strong waters, wine, tobacco, and other goods and merchandizes therein mentioned.

WE your Majesty's most dutiful and loyal subjects, the commons of Ireland in Parliament assembled, being sensible of the many blessings we enjoy under your Majesty's auspicious reign, and your indulgent care of this your kingdom, and of your tender concern for our prosperity in grateful acknowledgement thereof, and for the effectual support of your Majesty's government, upon which the happiness, peace, and security, of this your Majesty's

A. D. 1729. Chap. 1.

Additional duties on beer, ale, &c. by 1 G. 2. 4. continued to 25 December 1731.

realm depends, have unanimouſly and chearfully granted to your Majeſty the ſeveral duties herein after mentioned: and for that purpoſe we humbly beſeech your Majeſty, that it may be enacted, and be it enacted, by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſeveral additional duties, rates, and impoſitions on beer, ale, ſtrong waters, wine, tobacco, and other goods and merchandizes, which in and by one act of Parliament made and paſſed in the firſt year of your Majeſty's reign, intituled, *An act for granting to his Majeſty an additional duty on beer, ale, ſtrong waters, wine, tobacco, and other goods and merchandizes therein mentioned, and alſo a tax on ſalaries, profits of employments, fees, and penſions, and for ſecuring the re-payment of fifty thouſand pounds* ſterling, *formerly advanced to his late Majeſty for the uſe of the publick, together with the intereſt thereof*, were granted unto your Majeſty, or chargeable in manner therein mentioned from the twenty fifth day of March one thouſand ſeven hundred twenty and eight to the twenty fifth day of December, which ſhall be in the year of our Lord one thouſand ſeven hundred twenty and nine inclusive, be further granted, continued, raiſed, collected, levied, and paid, unto your Majeſty, your heirs and ſucceſſors, from the ſaid twenty fifth day of December one thouſand ſeven hundred twenty and nine until the twenty fifth day of December one thouſand ſeven hundred thirty and one inclusive.

II. And be it enacted by the authority aforeſaid, That all and ſingular the ſaid duties hereby granted and continued ſhall be raiſed, levied, collected, and paid unto your Majeſty, your heirs and ſucceſſors, during the time aforeſaid, over and above all other duties payable for the ſame, by virtue of an act made in this kingdom in the fourteenth year of the reign of King Charles the ſecond, intituled, *An act for the ſettling of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*, or by virtue of one other act made in the ſaid fourteenth year of the reign of the ſaid King Charles the ſecond, intituled, *An Act for ſettling the ſubſidy of poundage, and granting a ſubſidy of tunnage, and other ſums of money unto his royal Majeſty, his heirs and ſucceſſors the ſame to be paid upon merchandizes imported and exported into or out of the kingdom of Ireland, according to a book of rates hereunto annexed.*

14 & 15 C. 2. 8 & 9.

III. Provided always, and be it enacted by the authority aforeſaid, That if the ſaid wines, ſtrong-waters, ſpirits perfectly made, and ſpirits made and diſtilled of wine and brandy, or ſpirits above proof, upon which the ſaid additional duties are charged, ſhall after payment thereof, or ſecurity given for the ſame, be again exported by any merchant or merchants, that is or are a ſubject or ſubjects of this realm, or any other his Majeſty's dominions, within twelve months, or by merchants ſtrangers within nine months, after the importation thereof, and due proof firſt made by certificate from the proper officers of the due entry of ſuch wines, ſtrong waters, ſpirits perfectly made, and ſpirits made and diſtilled of wine, brandy, or ſpirits above proof, and of the payment of the additional duties hereby granted and charged thereon, or ſecurity being given for the ſame, and that all other requiſites ſhall have been performed, which are by law required to be performed, in caſes where the duties of exciſe are to be repaid by virtue of the before mentioned act, [intituled, *An act for the ſettling of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*;] that then the ſaid additional duties ſhall without any delay or reward be repaid or allowed unto ſuch merchant or merchants, ſo exporting the ſame, within one month after demand thereof, or the ſecurity for the ſaid additional duties by this act charged ſhall be vacated or diſcharged, as to ſo much as ſhall be ſo exported; any thing in this act contained to the contrary notwithſtanding.

IV. And be it further enacted by the authority aforeſaid, That for the better levying and collecting the ſeveral rates and duties hereby granted, and alſo for a further ſupply to your Majeſty, all and every the rules, directions, powers, and authorities, clauſe or clauſes, relating to brewers mixing their beer and ale, and diſtillers diſtilling

A. D. 1729. Chap. 12.

4 G. 1. 2.

diſtilling of ſtrong waters, and for preventing the mixing of ſmall worts with ſtrong ale or beer after the gauger hath taken the gauge thereof, and for empowering gaugers to take an account of all waſh and low wines in diſtillers hands, the better to aſcertain the quantity of *aquæ vitæ*, ſtrong waters, and ſpirits by them diſtilled, and all penalties and forfeitures ariſing thereby and therefrom, given, granted, or enacted, in and by an act paſſed in the fourth year of the reign of his late Majeſty King George the firſt of glorious memory, intituled, [*An act for continuing to his Majeſty an additional duty on all wines and ſtrong waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine; and alſo a tax on all ſalaries, profits of employments, fees, and penſions therein mentioned; and for granting a further additional duty on ale, beer, and ſtrong-waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine, and for ſecuring the repayment of fifty thouſand pounds ſterling, formerly advanced to his Majeſty for the uſe of the publick, together with the intereſt thereof*] which were to continue from the twenty firſt day of November one thouſand ſeven hundred and ſeventeen until the twenty firſt day of November one thouſand ſeven hundred and nineteen incluſive, and which were further granted and continued from time to time by divers acts of Parliament made in this kingdom until the twenty fifth day of December one thouſand ſeven hundred twenty and nine incluſive, ſhall be and continue in full force from the ſaid twenty fifth day of December one thouſand ſeven hundred twenty and nine until the twenty fifth day of December, which will be in the year of our Lord one thouſand ſeven hundred thirty and one incluſive.

V. And be it further enacted by the authority aforeſaid, That for a further ſupply to your Majeſty, the further additional duty of twenty ſhillings *ſterling* on every hundred weight of moliaſſes, and the further additional duty of twenty ſhillings *ſterling* on every hundred weight of treacle, which in and by the ſaid act of Parliament made in the firſt year of your Majeſty's reign, were granted to your Majeſty from the twenty fifth day of March, which was in the year of our Lord one thouſand ſeven hundred twenty and eight until the twenty fifth day of December one thouſand ſeven hundred twenty and nine incluſive, be further granted, continued, collected, levied, and paid, unto your Majeſty, your heirs and ſucceſſors, from the ſaid twenty fifth day of December one thouſand ſeven hundred twenty and nine until the twenty fifth day of December, which will be in the year of our Lord one thouſand ſeven hundred thirty and one incluſive.

VI. And be it further enacted by the authority aforeſaid, That the ſaid additional rates and duties on coffee, tea, chocolate, and cocoa-nuts, and all money ariſing thereby, ſhall be paid to the truſtees appointed for the management of the hempen and flaxen manufactures of this kingdom, to be by them applied to encourage and ſupport the ſaid manufactures and the trade thereof in this kingdom.

VII. And be it further enacted by the authority aforeſaid, That all and every the ſeveral and reſpective additional duties, hereby granted or continued, ſhall be raiſed, anſwered, collected, and paid, unto your Majeſty, your heirs and ſucceſſors, during the term aforeſaid, at the ſame time, in like manner, and by ſuch ways, means, and methods, and by ſuch rules and directions, and under ſuch penalties and forfeitures, and with ſuch powers, as are appointed, directed, and expreſſed in and by the ſaid act made in this kingdom in the fourteenth year of the reign of King Charles the ſecond, intituled, *An act for the ſettling of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*, or by any other law now in force relating to the revenue or exciſe in this kingdom, as fully and effectually to all intents and purpoſes as if the ſame were particularly mentioned, expreſſed, and enacted again in the body of this preſent act; with like remedy of appeal to and for the party grieved as in and by the ſaid act of exciſe is provided.

VIII. And

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VIII. And be it further enacted by the authority aforeſaid, That the ſix pence *per* pound and all other fees, which ſhall or may be payable to the vice-treaſurer, receiver, or pay-maſter-general of this kingdom, or any other officer or officers of this kingdom, for, or on account of, or out of the aids granted hereby unto your Majeſty, ſhall be received by the ſaid vice-treaſurer, receiver, or pay-maſter-general, for the uſe of your Majeſty, your heirs and ſucceſſors, and ſhall be duly accounted for by him or them to your Majeſty, your heirs and ſucceſſors, as a further and additional aid hereby given and granted.

IX. And be it further enacted by the authority aforeſaid, That the ſeveral ſums hereafter mentioned be paid out of the aforeſaid additional duties and aids, granted and continued to your Majeſty by this preſent act, to the perſons hereafter mentioned: (that is to ſay) a ſum not exceeding ten thouſand pounds unto ſuch perſon or perſons, and in ſuch manner, as the lord lieutenant or other chief governor or governors of this kingdom for the time being ſhall appoint, to be laid out towards carrying on and finiſhing the building of the new Parliament-houſe; alſo the ſum of two thouſand pounds *per annum* for two years, from the twenty fifth day of December one thouſand ſeven hundred and twenty nine to the twenty fifth day of December one thouſand ſeven hundred and thirty one incluſive, to the truſtees of the linnen-manufacture, to encourage the raiſing ſufficient quantities of hemp and flax in this kingdom; alſo the ſum of three hundred pounds *ſterling* to Matthew Pennefather eſquire, accomptant-general, as a reward for his expence and trouble in preparing and ſtating the publick accounts of the nation, laid before the houſe of commons this preſent ſeſſion of Parliament; alſo the ſum of three hundred pounds *ſterling* to Bruen Worthington a clerk of the houſe of commons, as a reward for his attendance and ſervice this ſeſſion of Parliament; alſo the ſum of two hundred pounds *ſterling* to Iſaac Ambroſe a clerk of the houſe of commons, as a reward for his attendance and ſervice this ſeſſion of Parliament; and the further ſum of three hundred pounds *ſterling* to the ſaid Bruen Worthington and Iſaac Ambroſe, as a recompence for their extraordinary expence in preparing copies of the publick accounts for the members of the houſe of commons; and alſo the ſum of two hundred pounds *ſterling* to John Kerr clerk aſſiſtant; three hundred pounds *ſterling* to Richard Povey ſergeant at arms, for his attendance on the houſe of commons; two hundred and fifty pounds to William Baily and Henry Buckley, the clerks attending the committee of accounts and other committees, to be equally divided between them; eighty pounds to John Fieldhouſe and James Savage, door-keepers of the houſe of commons, to be equally divided between them; which ſaid ſeveral ſums are given to the ſaid ſeveral perſons as rewards for their ſaid ſeveral ſervices, attendances, and expences this ſeſſion of Parliament; all which ſaid ſeveral ſums are to be paid by the vice-treaſurer or receiver-general of this kingdom, without any further or other warrant to be ſued for, had, or obtained in that behalf.

CHAP.

A. D. 1729.

CHAP. II.

An Act for granting to his Majeſty a further additional duty on wine, ſtrong waters, brandy, and ſpirits; and alſo a tax of four ſhillings in the pound on all ſalaries, profits of employments, fees, and penſions, to be applied to pay an intereſt at the rate of ſix pounds per cent. per ann. *for the ſum of two hundred thouſand pounds, and towards the diſcharge of the ſaid principal ſum.*

WHEREAS in the ſecond year of the reign of his late Majeſty King George the firſt of glorious memory by an act, intituled, *An act for continuing to his Majeſty the additional duty on beer, ale, ſtrong waters, tobacco, and other goods and merchandizes*, it is enacted, "That all ſuch ſum and ſums of money as ſhould be advanced and actually paid into his ſaid late Majeſty's treaſury, at the inſtance of their excellencies the lords juſtices, or other chief governour or governours of this his Majeſty's kingdom for the time being, for the ſupport and defence of this his Majeſty's kingdom, ſhould be repaid to ſuch perſon or perſons, as ſhould lend or advance the ſame, his, her, or their executors, adminiſtrators, or aſſigns reſpectively, together with legal intereſt for the ſame, out of the next aids to be granted by Parliament: and whereas the ſum of fifty thouſand pounds was advanced and paid into his ſaid late Majeſty's treaſury in purſuance of the ſaid act of Parliament: and whereas the ſaid principal ſum of fifty thouſand pounds, or any part thereof, has not been paid, but the intereſt due thereon has been from time to time diſcharged, and the ſaid intereſt in purſuance of an act paſſed in the tenth year of the reign of his ſaid late Majeſty, and by the conſent of the ſeveral perſons who paid and advanced the ſaid ſum of fifty thouſand pounds, was reduced to the rate of ſeven pounds *per cent. per annum*, from the twenty fifth day of March, which was in the year one thouſand ſeven hundred and twenty four: and whereas by an act paſſed in the firſt ſeſſion of this preſent Parliament, it is enacted, that the ſaid principal ſum of fifty thouſand pounds, together with the intereſt thereof, ſhould be repaid on the twenty fifth day of December one thouſand ſeven hundred and twenty nine: and whereas not only the ſaid ſum of fifty thouſand pounds remains ſtill unpaid, but there alſo remains a conſiderable arrear due to your Majeſty's eſtabliſhment on the twenty fifth day of March one thouſand ſeven hundred and twenty nine, which cannot at preſent be diſcharged, and the neceſſary branches of your Majeſty's eſtabliſhment ſupported, without ſuch ſupplies as would greatly burthen your Majeſty's faithful ſubjects of this kingdom: be it therefore enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That, for all and every ſuch ſum and ſums of money, not exceeding in the whole the ſum of one hundred and fifty thouſand pounds, as ſhall on or before the twenty fifth day of December in this preſent year one thouſand ſeven hundred and twenty nine be paid into your Majeſty's treaſury towards the diſcharge of the ſaid arrear there ſhall be paid at the receipt of your Majeſty's Exchequer by the hands of the vice-treaſurer or paymaſter-general, vice-treaſurers or paymaſters-general, his, or their deputy or deputies at the end of every ſix calendar months from the ſaid twenty fifth day of December one thouſand ſeven hun- 2 G. I. c.

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dred and twenty nine, to the perſon and perſons ſo paying or lending the ſame, his, her, or their executors, adminiſtrators, and aſſigns, an intereſt according to the rate of ſix pounds *per cent. per annum*, without any fee or charge, and free from all deductions, defalcations, and abatements whatſoever, from and after the ſaid twenty fifth day of December one thouſand ſeven hundred and twenty nine, until ſuch time as they be reſpectively paid their principal money at one intire payment.

II. And be it further enacted by the authority aforeſaid, That from and after the ſaid twenty fifth day of December one thouſand ſeven hundred and twenty nine, the like intereſt after the rate of ſix pounds *per cent. per annum*, and no more, be paid half yearly in like manner at the receipt of your Majeſty's Exchequer, to the ſeveral perſons, their executors, adminiſtrators, and aſſigns reſpectively, who have advanced the ſaid ſum of fifty thouſand pounds, and that without charge or fee, and free from all deductions, defalcations, and abatements whatſoever, until ſuch time as they be reſpectively paid their principal money at one intire payment.

III. Provided nevertheleſs, if any ſubſcriber or ſubſcribers to the ſaid ſum of fifty thouſand pounds, his, her, or their executors, adminiſtrators, or aſſigns, ſhall refuſe to take or accept for the money by him, her, or them advanced, ſix pounds *per cent. per annum* intereſt, from the ſaid twenty fifth day of December one thouſand ſeven hundred and twenty nine, that then ſuch ſubſcriber or ſubſcribers, his, her, or their executors, adminiſtrators, or aſſigns, transferring his, her, or their ſubſcriptions, and the whole benefit thereof, to the ſaid vice-treaſurers or vice-treaſurer, his or their deputy or deputies, ſuch ſubſcriber or ſubſcribers, his, her, or their executors, adminiſtrators, or aſſigns, ſhall have and receive the money due to them on ſuch ſubſcription from the ſaid vice-treaſurers or vice-treaſurer, his, or their deputy or deputies, which ſubſcriptions ſo transferred to the ſaid vice-treaſurers or vice-treaſurer, his or their deputy, may be again aſſigned by him or them to any perſon or perſons, who ſhall advance the ſum due upon ſuch ſubſcription or ſubſcriptions at ſix pounds *per cent. per annum* intereſt.

IV. And be it further enacted by the authority aforeſaid, That any ſum or ſums of money due and in arrear to any perſon upon your Majeſty's eſtabliſhment, or upon the eſtabliſhment of his late Majeſty King George the firſt, and payable at the receipt of your Majeſty's Exchequer by virtue of any warrant or warrants from the government, or debenture or debentures for arrears of pay to the army due before the twenty fifth day of March one thouſand ſeven hundred and twenty nine, and for arrears due to the half pay officers on or before the ſaid twenty fifth day of March one thouſand ſeven hundred and twenty nine, ſhall and may be ſubſcribed and received as ready money in part of the ſaid ſum of one hundred and fifty thouſand pounds; and that in taking the ſaid ſubſcriptions ſuch debentures and warrants ſhall be received and preferred before ready money, and that ſuch part of the ſaid ſum of one hundred and fifty thouſand pounds, as ſhall be paid in ready money, ſhall be applied by the vice-treaſurers or vice-treaſurer, his or their deputy or deputies, to the diſcharge of ſuch debentures or warrants, as ſhall not within two calendar months from the time of ſtriking ſuch debentures be ſubſcribed as part of the ſaid one hundred and fifty thouſand pounds, and to no other uſe or purpoſe whatſoever.

V. And be it further enacted by the authority aforeſaid, That ſuch and the like orders or receipts ſhall be given by the officers of your Majeſty's treaſury for all and every ſum and ſums of money, to be paid into the receipt of your Majeſty's Exchequer on account of the ſaid intended loan of one hundred and fifty thouſand pounds, as were given for the ſeveral ſums advanced on account of the ſaid loan of fifty thouſand pounds; and that any perſon may, by indorſement on ſuch order or receipt, transfer the right and benefit of the ſum due upon ſuch order or receipt which upon notice to the vice-treaſurers or vice-treaſurer, his, or their deputy or deputies, and entry or memorial thereof made in the ſaid vice-treaſurers office (which the ſaid vice-treaſurers or vice-treaſurer, his or their deputy or deputies, ſhall upon requeſt without charge, fee, or reward, make accordingly, and ſhall

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on requeſt permit the ſame to be viewed at the uſual office-hours without fee or reward) ſhall intitle the endorſee or aſſignee, his executors, adminiſtrators, and aſſigns, to the ſole benefit of the ſame ſo transferred or aſſigned; and that the ſaid order or receipt may in like manner be aſſigned or transferred by ſuch aſſignee, and ſo *toties quoties*; and that after ſuch aſſignment it ſhall not be in the power of the perſon or perſons, who made ſuch aſſignment, to make void, releaſe, or diſcharge the ſaid aſſignment, or the ſum thereby transferred or aſſigned, or any part thereof.

VI. And to the end and intent that the intereſt of the ſaid ſeveral ſums of fifty thouſand pounds, and one hundred and fifty thouſand pounds, making in the whole the ſum of two hundred thouſand pounds, according to the rate of ſix pounds *per cent. per annum*, may be duly and regularly paid half yearly according to the true intent and meaning of this act; be it enacted by the authority aforeſaid, That from and after the twenty fifth day of December, which will be in this preſent year of our Lord one thouſand ſeven hundred and twenty nine, there ſhall be throughout this your Majeſty's kingdom of Ireland raiſed, levyed, collected, and paid unto your Majeſty until the twenty fifth day of December one thouſand ſeven hundred and thirty one incluſive, and no longer, over and above the rates and duties already payable for the ſame, and over and above the ſeveral additional duties granted and continued to your Majeſty this preſent ſeſſion of Parliament by an act intituled, *An act for granting and continuing to his Majeſty, an additional duty on beer, ale, ſtrong waters, wine, tobacco, and other goods and merchandizes therein mentioned*, the ſeveral further new additional rates and duties herein after mentioned; (that is to ſay) thirteen ſhillings *per* tun for and upon all ſorts of wines of the growth of Portugal; and forty ſhillings *per* tun for and upon all other ſorts of wines to be imported into this kingdom from the ſaid twenty fifth day of December one thouſand ſeven hundred and twenty nine to the ſaid twenty fifth day of December one thouſand ſeven hundred and thirty one incluſive, and ſo proportionably for a greater or leſſer quantity; and alſo four pence *per* gallon for and upon all ſorts of ſtrong waters, brandy, and ſpirits, that ſhall be imported into this kingdom during the time aforeſaid, and ſo proportionably for a greater or leſſer quantity; and alſo the ſum of two ſhillings and ſix pence *per* pound weight for and upon all manufactures made of ſilk, except the manufactures of Great-Britain, China, Perſia, or the Eaſt-Indies, that ſhall be imported into this kingdom during the time aforeſaid.

VII. And be it further enacted by the authority aforeſaid, That all and every the ſeveral and reſpective additional duties hereby granted ſhall be raiſed, anſwered, collected, and paid unto your Majeſty, your heirs and ſucceſſors, during the time aforeſaid, at the ſame time, in like manner, and by ſuch ways, means, and methods, and by ſuch rules and directions, and under ſuch penalties and forfeitures, and with ſuch powers, as are appointed, directed, and expreſſed, in and by an act made in this kingdom in the fourteenth year of King Charles the ſecond, intituled, *An act for the ſettling of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*, or by any other law now in force relating to the revenue or exciſe in this kingdom, as fully and effectually to all intents and purpoſes as if the ſame were particularly mentioned, expreſſed, and enacted again in the body of this preſent act, with like remedy of appeal to and for the party grieved as in and by the ſaid act of exciſe is provided.

VIII. And be it further enacted by the authority aforeſaid, That all and every perſon and perſons, who ſhall have upon the twenty fifth day of December one thouſand ſeven hundred and twenty nine, or who ſhall have at any time between the ſaid twenty fifth day of December one thouſand ſeven hundred and twenty nine and the twenty fifth day of December one thouſand ſeven hundred and thirty one incluſive any ſalary, profits of employments, fees, or penſions, in this kingdom, ſhall pay unto your Majeſty the full ſum of four ſhillings *ſterling* out of every twenty ſhillings

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ſhillings a year, which he, ſhe, or they, do or ſhall receive, or be intitled unto, by reaſon of ſuch ſalaries, profits of employments, fees, or penſions, over and above the charges and expences of executing the ſaid employments, unleſs ſuch perſon or perſons do and ſhall live and actually reſide within this kingdom for and during the ſpace of ſix calendar months at leaſt in each of the ſaid years; which ſaid tax or duty of four ſhillings *ſterling* out of every twenty ſhillings a year as aforeſaid out of ſuch reſpective ſalaries and penſions ſhall be ſtopped and and deducted yearly, during the time and term aforeſaid, by the vice-treaſurer, pay-maſter, and receiver-general of his Majeſty's revenue, or by ſuch perſon or perſons who pay the ſame; and which ſaid profits and fees ſhall be ſtopped by the reſpective deputy and deputies of ſuch perſon or perſons ſo abſent as aforeſaid, and paid by them to the ſaid vice-treaſurer or vice-treaſurers, his or their deputy or deputies, to be accounted for to your Majeſty; and that ſuch deputy or deputies ſhall give in upon oath an account before the lord chief baron, or any of the barons of the Exchequer, or any two juſtices of the peace, of the net profits of ſuch employment or employments, for which ſuch deputy or deputies are or ſhall be accountable to their principals.

IX. Provided always, and be it further enacted and declared by the authority aforeſaid, That this act ſhall not extend to charge the ſaid tax or duty of four ſhillings *ſterling* a year on every twenty ſhillings as aforeſaid upon the ſalary, penſion, fees, or profits of employments, payable to the lord lieutenant, or other chief governor or governors of this kingdom for the time being, his or their ſecretary or ſecretaries; nor to ſuch perſon or perſons who ſhall, within one month after ſuch tax ſhall become payable, be exempted from the payment thereof by his Majeſty's ſign manual to be produced for that purpoſe, as occaſion ſhall require; nor to the officers of ſuch regiments as now are or hereafter ſhall be commanded abroad on his Majeſty's ſervice; nor to the half pay officers on the eſtabliſhment of this kingdom; nor to the widows of officers; nor to any officer under the degrees of a field-officer.

X. And be it further enacted by the authority aforeſaid, That neither the ſix pence *per* pound, nor any other fees ſhall be payable to, or be deducted or received by, the vice-treaſurer, receiver, or paymaſter-general, or any other officer or officers of this kingdom, for, or on account of, or out of the aids hereby granted to his Majeſty, or of any payment to be made thereout in purſuance of this act.

XI. And be it further enacted by the authority aforeſaid, That the ſaid ſeveral duties and aids, and the ſaid tax of four ſhillings in the pound, hereby granted to your Majeſty, ſhall in the firſt place be applied and paid by the vice-treaſurer or vice-treaſurers, his or their deputy or deputies, to the diſcharge of the intereſt of the ſaid ſum of two hundred thouſand pounds; and if ſuch the ſaid duties, aids, and taxes, hereby granted to your Majeſty, ſhall produce a ſum more than ſufficient to diſcharge the intereſt of the ſaid ſum of two hundred thouſand pounds, that then ſuch ſum, ſo ariſing over and above the intereſt ſo diſcharged, ſhall remain in the hands of the vice-treaſurer or vice-treaſurers, his or their deputy or deputies, to be applied towards the diſcharge of the ſaid principal ſum of two hundred thouſand pounds in ſuch order and manner, as by any act or acts of Parliament hereafter to be made ſhall be directed and provided, and to no other uſe, intent, or purpoſe whatſoever.

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CHAP. III.

An act for the encouragement of tillage, and better employment of the poor; and also for the more effectual putting in execution an act, intituled, [*An act to encourage the draining and improving of boggs, and unprofitable low-grounds, and for easing and dispatching the inland carriage and conveyance of goods from one part to another within this kingdom;*] *and also for laying several duties upon coaches, berlins, chariots calashes, chaises, and chairs, and upon cards and dice, and upon wrought and manufactured gold and silver plate imported into or made in Ireland for the purposes therein mentioned; and also for repealing the duties payable upon the exportation of wooll, bay-yarn, and woollen-yarn, out of this kingdom for England.*

WHEREAS by an act passed in the second year of the reign of his late Majesty King George the first of glorious memory, intituled, *An Act to encourage the draining and improving of boggs and unprofitable low-grounds, and for easing and dispatching the inland carriage and conveyance of goods from one part to another within this kingdom,* several persons therein named were thereby authorized and impowered to make several rivers therein mentioned navigable and passable for boats and other vessels of burthen, and to open, cleanse, and make navigable the several boggs and intermediate tracts in the said act mentioned, as well for the present discharging and carrying off the waters from the same, as also for the navigation and passing of boats and other vessels of burthen therein, in order to the easing and dispatching the carriage and conveyance of goods, and thereby creating and maintaining an inland communication and commerce in and between the several counties in this kingdom: and whereas by one other act made in the eighth year of his said late Majesty's reign, intituled, *An act for the further amendment of the law, and for continuing and amending several acts near expiring,* it is enacted, "That all and every the members of Parliament and justices of "the peace for the time being of the several counties, in the said "first recited act mentioned to be respectively next adjacent to "the respective works therein specified and provided for, should "from thenceforth be and were thereby respectively appointed "commissioners for the same; and that they, or any five or more, "of them for the time being, should at all times thereafter "have,

23 G. 2. 5.
25 G. 2. 10.
29 G. 2. 10.

Recital of 2 G. 1. 12.

and 8 G. 1. 6. Sec. 7.

A. D. 1729. Chap. 3.

" have, exerciſe, and uſe the ſame and the like powers and au-
" thorities in all things relating to the ſaid reſpective works, for
" which they were reſpectively thereby appointed commiſſioners,
" as the commiſſioners appointed by the ſaid firſt recited act, or
" any ſeven, or other *quorum* or number, of them might or ought
" to have had, exerciſed, or uſed by force or virtue of the ſaid
" recited act:" and whereas the ſaid commiſſioners having only power by the ſaid acts to contract with undertakers for carrying on the ſaid works at their own private expence, the great charge, that muſt neceſſarily have attended the ſame, hath diſcouraged private perſons from the undertaking thereof: and whereas the encouraging of tillage, and employing the poor in this kingdom, will be of great benefit to the ſame, and it is reaſonable and fit, that works of ſuch publick benefit and advantage ſhould be carried on at the charge of the kingdom by ſome publick fund appointed and ſet apart for that purpoſe, and that an equal number of commiſſioners ſhould be appointed for each of the provinces in this kingdom for the due application thereof to the ends and uſes aforeſaid: be it therefore enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the lord lieutenant, or other chief governor or governors of this kingdom for the time being, his grace Hugh lord archbiſhop of Armagh, primate and metropolitan of all Ireland, and the archbiſhop of Armagh for the time being, the right honourable Thomas Wyndham eſquire, lord high chancellor of Ireland, and the lord high chancellor or lord keeper of the great ſeal of Ireland for the time being, the lord archbiſhop of Dublin, the lord archbiſhop of Caſhel, and the lord archbiſhop of Tuam for the time being, the right honourable Sir Ralph Gore baronet, ſpeaker of the houſe of commons, and the ſpeaker of the houſe of commons for the time being, and the ſeveral and reſpective perſons herein after named: (that is to ſay) for the province of Munſter, the right honourable James earl of Barrimore, the right honourable Thomas earl of Kerry, the right honourable Marcus lord viſcount Tyrone, the right honourable Thomas lord baron Southwell, the right honourable John Rogerſon eſquire, lord chief juſtice of his Majeſty's court of King's bench, Sir Robert Maude baronet, the right honourable James Tynte eſquire, the right honourable Benjamin Parry eſquire, the right honourable Richard Tighe eſquire, Samuel Walter Whitſhed eſquire, Edward Worth eſquire, Richard Betteſworth eſquire, Henry Roſe eſquire, Thomas Carter eſquire, Eaton Stannard eſquire, Eyre Evans eſquire, Robert Marſhal

Commiſſioners therein having power to contract only at their private expence, perſons diſcouraged from undertaking: a publick fund ſhould be appointed, and equal number of commiſſioners for each province.

Commiſſioners named for executing the powers in 2 G. 1. 12. and in this act.

For Munſter,

Marſhal eſquire, Arthur Blennerhaſſet eſquire, Stephen Bernard eſquire, and John Fitz-Gerald eſquire; for the province of Leinſter, the right honourable Robert earl of Kildare, the right honourable Chaworth earl of Meath, the right honourable Joſhua lord viſcount Allen, the right honourable Brabazon lord viſcount Duncannon, the honourable Henry Singleton eſquire, his Majeſty's prime ſerjeant at law, Maurice Keating eſquire, John Rochford eſquire, Cæſar Colclogh eſquire, William Conolly eſquire, Jeffery Paul eſquire, Luke Gardiner eſquire, Thomas Burgh ſenior eſquire, doctor Thomas Trotter, Samuel Burton eſquire, the honourable Thomas Marlay eſquire, his Majeſty's attorney general, Richard Warburton ſenior eſquire, Patrick Wymes eſquire, James Hamilton eſquire, James Stopford eſquire, and the right honourable Marmaduke Coghill eſquire; for the province of Ulſter, the right honourable James lord viſcount Charlemont, the right honourable Clotworthy lord viſcount Maſſareen, the right honourable Brinſly lord viſcount Lanesborough, the right reverend John lord biſhop of Clogher, Robert Cope eſquire, Charles Coot eſquire, Arthur Hill eſquire, the right honourable Henry Maxwell eſquire, Francis Lucas eſquire, Henry Brook eſquire, the right honourable Sir Guſtavus Hume baronet, Arthur Dobbs eſquire, Robert Lindſay eſquire, the honourable Guſtavus Hamilton eſquire, Robert Magill eſquire, the honourable Michael Ward eſquire, one of the juſtices of his Majeſty's court of King's bench, Sir Arthur Acheſon baronet, the honourable Humphrey Butler eſquire, John Moore eſquire, and John Folliot of the city of Dublin eſquire; for the province of Connaught, the right reverend Sir Thomas Veſey baronet lord biſhop of Oſſory, the right reverend Robert lord biſhop of Killala, the right honourable George lord Saint George, the right honourable lieutenant general Owen Wynne, Sir Arthur Gore baronet, Sir Henry King baronet, Sir Edward Crofton baronet, Henry Bingham eſquire, John Bingham eſquire, Joſhua Cowper eſquire, Henry Sandford eſquire, Arthur French eſquire, Francis Burton eſquire, Robert French eſquire, Thomas Staunton eſquire, John Staunton eſquire, Walter Jones eſquire, William Veſey eſquire, Owen Wynne eſquire, and Agmondiſham Veſey eſquire, ſhall be and are hereby appointed commiſſioners for putting in execution the powers in the ſaid firſt recited act and herein mentioned.

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Leinſter,

Ulſter,

Connaught,

II. And be it further enacted by the authority aforeſaid, That the ſaid commiſſioners hereby appointed in purſuance of this act, or any eleven or more of them, ſhall and may meet and aſſemble themſelves at the Tholſel of the city of Dublin on the firſt Monday in the month of May next, and afterwards at ſuch times, and

Said commiſſioners, or any 11, may meet at ſuch time and place as they think fit.

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and at ſuch convenient place in the city of Dublin as the ſaid commiſſioners hereby or hereafter to be appointed in purſuance of this act, or any eleven or more of them, ſhall from time to time think fit; and that the ſaid commiſſioners, hereby or hereafter to be appointed by virtue of this act, or any eleven or more of them, and no other perſon or perſons whatſoever, ſhall at all times hereafter have, exerciſe, and uſe ſuch and the ſame powers, liberties, privileges, benefits, advantages, and authorities in all things for the ends and purpoſes in the ſaid firſt recited act or herein mentioned, as the undertakers for the river Shannon in the ſaid firſt recited act mentioned, their heirs, aſſigns, or nominees, or the commiſſioners appointed by the ſaid acts, or either of them, or any ſeven, or other *quorum* or number, of them, or the ſaid undertakers and the ſaid commiſſioners jointly, ſhould, might, or ought to have had, exerciſed, or uſed by force or virtue of the ſaid recited acts, or either of them; any thing therein contained to the contrary notwithſtanding.

and uſe the ſame powers for the purpoſes in 2 *G.* 1. 12. as the undertakers for the Shannon or the commiſſioners by ſaid acts, *&c.* might uſe.

25 *G.* 2. 10. *made a corporate body.*

III. Provided always, and be it enacted by the authority aforeſaid, That when and as often as the ſaid commiſſioners, hereby or hereafter to be appointed by virtue of this act, ſhall find it neceſſary to iſſue their warrant to any ſheriff to ſummon and impannel a jury for the purpoſes in the ſaid firſt recited act mentioned, then and in ſuch caſe it ſhall and may be lawful to and for the ſaid commiſſioners to meet at ſuch time and place, as in ſuch warrant ſhall be appointed for the appearance of ſuch jury, and there to determine the matter for which ſuch jury ſhall be ſummoned, and no other; any thing herein before contained to the contrary in any wiſe notwithſtanding.

Commiſſioners may meet, as by their warrant, to impannel a jury, for purpoſes in 2 *G.* 1. 12. and determine that matter only.

IV. And be it further enacted by the authority aforeſaid, That within thirty days after notice of the death of any of the ſaid perſons herein before appointed commiſſioners for the ſaid reſpective provinces, or of any other perſon, who ſhall hereafter be choſen a commiſſioner purſuant to this act, the ſurviving commiſſioners for the time being ſhall, and they are hereby required to, give publick notice in the Dublin Gazette of the death of ſuch commiſſioner, and the ſurviving commiſſioners for the time being of the province, for which the perſon ſo dying is hereby or hereafter ſhall be nominated, ſhall within thirty days after ſuch notice given, and in default of ſuch notice, then within ſix weeks after the death of ſuch commiſſioner, aſſemble themſelves together at the uſual place of meeting in the ſaid city of Dublin of all the commiſſioners hereby appointed, or hereafter to be appointed by virtue of this act; and the majority of the commiſſioners for the ſaid province ſo aſſembled, being not leſs than five, ſhall and may elect

In 30 days after notice of death of a commiſſioner, ſurvivors ſhall give notice in the gazette,

and the ſurvivors for the province ſhall in 30 days after, or in default of notice in 6 weeks after the death, meet at uſual place in Dublin,

and the majority (not leſs than 5)

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elect by balloting another perſon in the place or ſtead of the perſon ſo dying, and ſo from time to time, to the end the number of twenty commiſſioners may be always kept full for each reſpective province within this kingdom, and ſhall certifie ſuch election and appointment in writing under their hands and ſeals to the clerk for the time being, appointed by all the commiſſioners hereby appointed or hereafter to be appointed by virtue of this act, who is hereby required to keep the ſame, and to make an entry thereof in a book to be by him kept for that purpoſe; and if the commiſſioners of the ſaid province, for which the perſon ſo dying is or ſhall be appointed by virtue of this act, ſhall neglect to nominate or appoint in manner aforeſaid another in the place of the perſon ſo dying, then and in ſuch caſe it ſhall and may be lawful to and for all the commiſſioners, hereby appointed or hereafter to be appointed by virtue of this act, or any eleven or more of them, from time to time to elect and appoint a fit and proper perſon in the place of ſuch perſon ſo dying, firſt giving ſix weeks publick notice in the Dublin Gazette of the death of ſuch perſon, and of the province for which he was commiſſioner, and likewiſe of the time and place of ſuch intended election.

ſhall elect another by ballot, and ſo keep 20 for each province full; and certify election to the clerk, who is to enter it.

on default of ſuch election, all the commiſſioners, or 11, may elect, giving 6 weeks notice in gazette.

V. And to the end a fund may be provided towards carrying on the ſaid works, and for employing the poor, and improving of tillage in this kingdom: be it further enacted by the authority aforeſaid, That from and after the twenty fifth day of March, which will be in the year of our lord one thouſand ſeven hundred and thirty, during the term of twenty one years from thence next enſuing, there ſhall be throughout this his Majeſty's kingdom of Ireland granted, raiſed, levyed, and paid to his Majeſty, his heirs and ſucceſſors, the ſeveral rates and duties herein after mentioned: (that is to ſay) for and upon every coach, berlin, chariot, calaſhe, and chaiſe with four wheels, within this kingdom, not uſed for hire, the ſum of twenty ſhillings, to be paid yearly on the tenth day of January during the ſaid term of twenty one years; the firſt payment thereof to be made on the tenth day of January, which will be in the year of our Lord one thouſand ſeven hundred and thirty; and for and upon every chaiſe, calaſhe, and chair with two wheels in this kingdom, not uſed for hire, the ſum of five ſhilling *ſterling* yearly, to be paid at ſuch times as aforeſaid; which ſaid rates and duties ſhall be collected and levyed by ſuch perſon or perſons, and by ſuch ways and means, and in ſuch manner, as the duty on fire-hearths, and other places uſed for firing and ſtoves, is collected and raiſed by virtue of an act made in this kingdom in the fifteenth year of the reign of King Charles the ſecond, intituled, *An act for eſtabliſhing an additional revenue upon his Majeſty, his heirs and ſucceſſors, for the better ſupport of his*

as a fund for ſaid works ſhall be raiſed from 25 March 1730 for 21 years the following duties,

23 G. 2. 5. *continued* 21 *years.*

on 4 wheeled carriages, not for hire, 20 s. yearly.

2 wheeled carriages 5 s.

levied as by 15 C. 2. 17.

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and their crown and dignity, or by virtue of one other act made in this kingdom in the eighteenth year of the reign of the ſaid King Charles the ſecond, intituled, *An additional act for the better ordering and collecting the revenue ariſing by hearth-money*, as fully and effectually to all intents and purpoſes as if the ſaid acts were particularly mentioned, expreſſed, and enacted again in the body of this preſent act; with like remedy of appeal to and for the party grieved, as in and by the ſaid act is provided.

Owners of ſuch carriages ſhall in a month certify to the collector an account thereof and place of reſidence.

VI. And for the better ſecuring the payment of the ſaid duties to his Majeſty, his heirs and ſucceſſors, during the ſaid term of twenty one years, be it further enacted by the authority aforeſaid, That every perſon or perſons, who on the twenty ſixth day of March one thouſand ſeven hundred and thirty or after ſhall have or keep any coach, berlin, chariot, calaſhe, chaiſe, or chair, chargeable with the ſaid duty by virtue of this act, ſhall within one calendar month after the ſaid twenty ſixth day of March, or within on month after he or ſhe ſhall have or keep any ſuch coach, berlin, chariot, calaſhe, chaiſe, or chair, by writing under his or her hand certify to the collector of the diſtrict, where he or ſhe ſhall reſide or dwell, a true account of all ſuch coaches, berlins, chariots, calaſhes, chaiſes, or chairs, which he, ſhe, or they ſhall have or keep for his or her own uſe, or for any other perſon, with the name of the place and pariſh of his or her uſual reſidence or abode; which ſaid certificates ſhall be kept by the reſpective collectors of the ſeveral diſtricts in this kingdom, now or hereafter to be appointed by the commiſſioners of his Majeſty's revenue in this kingdom, or any three or more of them, and ſhall be alſo entred in a book to be by them reſpectively kept for that purpoſe, and a number ſhall be entred on each certificate regiſtered; and the ſaid collectors are hereby reſpectively required under their hands once in every year before the tenth day of January to give a true liſt of all coaches, berlins, chariots, calaſhes, chaiſes, or chairs, from time to time returned to them reſpectively in ſuch certificates, with the names of the perſons and places of their abode reſpectively mentioned in ſuch reſpective certificates, to the perſons who for the time being ſhall be appointed as aforeſaid to collect the ſaid duties; and the ſaid perſons hereby appointed to collect and receive the ſaid duties on coaches, berlins, chariots, calaſhes, chaiſes, or chairs, ſhall reſpectively ſign and deliver acquittances without fee or reward for the ſame, and ſhall keep duplicates thereof in a book to be kept for that purpoſe, in the ſame manner as acquittances are given and kept for the ſaid duty on fire-hearths, and ſhall reſpectively return the book containing the duplicates of ſuch acquittances to ſuch perſon and perſons, and at the ſame times, and to be diſpoſed of in the ſame manner, as books containing the duplicates

to be kept and entered by collectors,

who ſhall once a year give a liſt of coaches, &c. ſo returned to them to thoſe appointed to collect the duties, who are to give acquittances without fee, keep duplicates, and return as for duty on hearths.

25 G. 2. 10. *altered.*

duplicates of acquittances for the ſaid duty on fire-hearths are returned. A. D. 1729.

VII. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall have or keep any coach, berlin, chariot, calaſhe, chaiſe, or chair, chargeable with the ſaid duty by virtue of this act, which ſhall not be certified in manner aforeſaid, and the ſame ſhall be made appear by the oath of one or more witneſs or witneſſes before any two juſtices of the peace of the county, which oath the ſaid juſtices are hereby impowered to adminiſter, where ſuch perſon or perſons ſo keeping ſuch coach, berlin, chariot, calaſhe, chaiſe, or chair, ſhall reſide; then and in ſuch caſe every ſuch perſon and perſons ſo having or keeping ſuch coach, berlin, chariot, calaſhe, chaiſe, or chair, not certified as aforeſaid, ſhall for ſuch neglect forfeit the ſum of five pounds; to be levyed by diſtreſs and ſale of the offenders goods by warrant under the hands and ſeals of ſuch two juſtices of the peace, rendering the overplus of the money ariſing by ſale of ſuch goods (if any) to the owner thereof; one moiety of the ſaid forfeiture to be paid to the collector of the diſtrict, where ſuch forfeiture ſhall be levyed, for the uſes in this act mentioned, and the other moiety to the informer. Chap. 3.

Penalty for keeping coaches, &c. not certified, 5*l.* on oath before 2 juſtices, 25 *G.* 2. 10. *altered.*

to the collector for uſes in this act, and informer.

VIII. Provided always, That no perſon ſhall be ſubject to the ſaid penalty for the omiſſion of any coach, berlin, chariot, calaſhe, chaiſe, or chair, in ſuch certificate, for which he or ſhe would not have been further chargeable by this act.

IX. Provided alſo, and be it further enacted by the authority aforeſaid, That no perſon ſhall be chargeable or charged with more than twenty ſhillings in any one year for or on account of the ſaid duty, herein before granted to his Majeſty.

None charged with more than 20*s.* in one year.

X. Provided nevertheleſs, That every perſon, not being a coach-maker, having in his or her keeping or poſſeſſion any coach, berlin, chariot, calaſhe, chaiſe, or chair, belonging to another, ſhall be charged for ſuch coach, berlin, chariot, calaſhe, chaiſe, or chair, with the ſaid duty impoſed by this act, in the ſame manner as the owner or proprietor thereof is or ought to be charged or chargeable for the ſame by this act.

Perſons, not coach-makers, having the coaches, &c. of others, charged.

XI. And be it further enacted by the authority aforeſaid, That the perſon or perſons, who for the time being ſhall be authorized and impowered to collect and levy the ſaid duty on coaches, berlins, chariots, calaſhes, chaiſes, and chairs, ſhall forthwith pay the ſame to the ſaid reſpective collectors of the ſeveral diſtricts, where the ſaid duties ſhall be collected and raiſed; and the ſaid collectors are hereby required to keep ſeparate and diſtinct accounts thereof, and to pay the ſame into his Majeſty's treaſury, as other money received by them for the uſe of his Majeſty.

Said duties, when levied, ſhall be paid to collector of the diſtrict, who ſhall keep ſeparate accounts thereof, and pay it into treaſury.

XII. And

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Persons levying accountable as for hearth-money;

XII. And be it further enacted by the authority aforesaid, That all and every person or persons that shall collect, levy, or receive the said duties, or any part thereof, shall be accountable to his Majesty for the same, and shall be subject to the like penalties and forfeitures for not rendering a true account thereof and paying the same in manner aforementioned, as the persons employed in collecting, levying, and receiving the said duty of hearth-money, are and stand lyable unto for not rendering a true account thereof.

and first sworn before the collector.

XIII. And be it further enacted by the authority aforesaid, That the persons hereby appointed to collect the said duties on coaches, berlins, chariots, calashes, chaises, and chairs, shall in the first place respectively be sworn to collect the same duly and faithfully, and to make and deliver a true account of all their respective receipts pursuant to this act, according to the best of their power and skill; which oath shall be administered by the said respective collectors, who shall give a certificate thereof, if thereunto required.

9 *Anne* 23. *sec.* 39. *Eng.* Duty on cards and dice for 21 years, besides the duties now payable. 23 *G.* 2. 5. 21 *years further.*

XIV. And be it further enacted by the authority aforesaid, That from and after the said twenty fifth day of March, during the term of twenty one years from thence next ensuing, there shall be raised, levyed, collected, and paid unto his Majesty, his heirs and successors, for all playing-cards and dice, which during the term aforesaid shall be made fit for sale or use in this kingdom, or imported into the same, the several duties following: (that is to say) for every pack of such cards made in this kingdom the sum of six pence, and for every pack of such cards imported into this kingdom the sum of twelve pence, over and above the duties now payable to his Majesty for the same; and for every pair of such dice the sum of five shillings, over and above the duties now payable to his Majesty for the same; which said duties upon such cards and dice made in, or imported into, this kingdom, shall be paid by the makers or importers thereof respectively.

by maker 6*d.* *per* pack: importer 12 *d.*

Dice, 5 *s.* every pair.

Import-duty brought into Exchequer as the excise or new impost is.

XV. And be it further enacted by the authority aforesaid, That the duties upon such cards and dice imported, hereby granted, shall be levyed and brought into his Majesty's Exchequer by such ways and means, and in such manner and form, and under such penalties and forfeitures, as any of his Majesty's duties of excise or new impost on goods imported are by any laws now in force to be levyed and brought into the said Exchequer; with like remedy of appeal to and for the party grieved, as in and by the said law is provided.

XVI. And

XVI. And be it further enacted by the authority aforeſaid, That from and after the ſaid twenty fifth day of March no perſon or perſons ſhall during the ſaid term of twenty one years ſet up or exerciſe the imployment of making cards or dice, or ſhall make, or cauſe to be made, any cards or dice in any town or place in this kingdom but in the cities of Dublin and Corke, or the reſpective liberties thereof: and that every perſon or perſons, who ſhall ſet up or exerciſe the imployment of making cards or dice, or ſhall make, or cauſe to be made, cards or dice in any part of this kingdom, except in Dublin or Cork, or within the liberties of them reſpectively, ſhall for every ſuch offence forfeit the ſum of fifty pounds.

Cards or dice ſhall be made only in Dublin or Cork,

penalty, 50*l.*

XVII. And be it further enacted by the authority aforeſaid, That all makers of playing-cards or dice in the ſaid cities of Dublin and Cork after the ſaid twenty fifth day of March, before they ſhall reſpectively begin to make any ſuch cards or dice, ſhall give or ſend notice in writing under their reſpective hands of the uſual houſe or place, where they ſhall reſpectively make or intend to make the ſame; which notice ſhall be given or ſent to the collector of the port of Dublin by all perſons, that make or intend to make cards or dice in the ſaid city of Dublin, or the liberties thereof; and the like notice ſhall be ſent to the collector of the port of Cork by all perſons, who ſhall make or intend to make cards or dice in the ſaid city of Cork, or the liberties thereof; and as often as any perſon or perſons ſhall ſet up or exerciſe the imployment of making of cards or dice, or ſhall make or cauſe to be made any cards or dice in any houſe or place whatſoever within the ſaid cities of Dublin and Cork, or the liberties thereof reſpectively, during the ſaid term of twenty one years, the like notice ſhall be given or ſent; upon pain that every perſon making default in giving ſuch notice as aforeſaid, for every ſuch offence ſhall forfeit the ſum of fifty pounds; and that all and every perſon or perſons, who ſhall during the ſaid term of twenty one years make or cauſe to be made any cards or dice in any houſe or place not notified as aforeſaid, ſhall for every ſuch offence forfeit the ſum of fifty pounds, and ſhall alſo forfeit the cards and dice, and all materials for making cards and dice, which ſhall be found in ſuch houſe or place, or which ſhall have been made or manufactured there, before ſuch due notice ſhall have been given; and that no materials whatſoever begun to be wrought for or towards the making of cards or dice ſhall be removed from the place, where the ſame ſhall have been begun to be wrought, until the ſame ſhall have been compleatly made and worked into cards or dice, or the duties for the cards or dice therewith intended to be made ſhall be paid to his Majeſty; upon pain

Makers thereof ſhall firſt give collector of the port notice of the place where, *&c.* on pain of forfeiting 50 *l.* and the materials.

Materials begun to be wrought ſhall not be removed till compleated, or ſaid duty paid.

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pain that every perſon, who ſhall remove, or cauſe, or permit to be removed, any ſuch materials contrary to the true meaning thereof, ſhall forfeit double the amount of the duties on cards or dice, which might be made from or with ſuch materials; one moiety thereof to his Majeſty, his heirs and ſucceſſors, and the other moiety thereof to the perſon or perſons who ſhall inform or ſue for the ſame; and that all and every ſuch perſon and perſons ſhall permit the proper officer or officers, hereby appointed for collecting and receiving the ſaid duties on cards and dice, in the day time to enter any houſe or place wherein cards or dice ſhall be making or made, and take an account of the cards and dice there made, under the penalty of fifty pounds for every refuſal thereof; and that no maker of ſuch cards or dice, chargeable with the ſaid duties by this act, ſhall at any time remove, or ſuffer the ſame to be removed, from the houſe or place of making thereof, until ſuch mark upon the dice, and ſuch ſeal, mark, or ſtamp upon the paper and thread incloſing every pack of cards, and until ſuch mark on one of the cards of each pack on the painted or ſpotted ſide ſhall be put, as the commiſſioners of his Majeſty's revenue in this kingdom for the time being, or any three or more of them, ſhall from time to time deviſe and appoint in writing under their hands, to denote the charging the ſaid duties; upon pain of forfeiting all ſuch cards and dice, and treble the value thereof, as ſhall be removed contrary to this act.

Penalty, double duty, to the King and informer.

Officers may enter in day time, and take account of cards and dice made.

Penalty for refuſal, 50*l.*

Not to be removed till marked as by commiſſioners of revenue appointed,

on pain of forfeiture and treble value.

XVIII. And be it further enacted by the authority aforeſaid, That the ſaid makers of cards or dice during the ſaid term of twenty one years ſhall once in every fourteen days make true entry upon oath with the collectors for the time being of the ſaid ports of Dublin and Cork reſpectively, or in their abſence before the cuſtomer, comptroller, or ſurveyor of the ſaid reſpective ports (which oath the ſaid collectors, cuſtomer, comptroller, or ſurveyor, are hereby reſpectively impowered to adminiſter) of all the cards and dice by ſuch makers thereof reſpectively made within the time, for which every entry ought to be made; and ſhall once within every twenty eight days clear all duties owing by ſuch maker of cards and dice, by paying the ſame to the collector of the port of Dublin and the collector of the port of Cork reſpectively; upon pain of forfeiting the ſum of twenty pounds for every default in making ſuch entry, and double the duty for non-payment thereof.

Makers once in 14 days ſhall make entry on oath of all made in the time; and once in 28 days clear all duties:

penalty 20*l.* for not entring, and double duty for non-payment.

XIX. And be it further enacted by the authority aforeſaid, That every maker of cards and dice, who ſhall endeavour to defraud his Majeſty by any concealment or undue entry, ſhall for every ſuch offence forfeit the ſum of twenty pounds; and that all the penalties and forfeitures impoſed by this act in relation

Penalty 20*l.* for concealment.

All ſaid penalties to the

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tion to the duties on cards and dice ſhall be divided: (to wit) one moiety thereof to the King's Majeſty, his heirs and ſucceſſors, and the other moiety thereof to ſuch perſon or perſons as ſhall firſt ſeize, inform, or ſue for the ſame.

King and informer.

XX. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the commiſſioners of his Majeſty's revenue for the time being, or any three or more of them, and they are hereby authorized and impowered, to deviſe and appoint in writing under their hands from time to time ſuch mark, ſtamp, or ſeal, as they ſhall think fit to be put upon all dice; and the paper and thread encloſing every pack of cards, and on one of the cards of each pack on the painted or ſpotted ſide thereof, which ſhall be made in this kingdom, or imported into the ſame, from and after the ſaid twenty fifth day of March one thouſand ſeven hundred and thirty, to denote the charging the ſaid duties; and alſo from time to time to appoint a fit and proper perſon in the ſaid ports of Dublin and Cork reſpectively, who ſhall have the cuſtody and keeping of ſuch mark, ſtamp, or ſeal, and ſhall from time to time put ſuch mark or ſtamp upon all dice, and ſuch mark or ſeal upon the paper and thread encloſing every ſuch pack of cards, and on one of the cards of each pack on the painted or ſpotted ſide thereof, which ſhall be duly entered, and for which the duties impoſed by this act ſhall be duly paid to the ſaid collectors reſpectively; and the perſons, who ſhall be ſo appointed to mark, ſtamp, and ſeal cards and dice purſuant to this act, ſhall have and receive during their reſpective continuance in the ſaid office the yearly ſums following: (that is to ſay) the perſon, who ſhall be appointed to mark, ſtamp, or ſeal cards and dice in the city of Dublin, the yearly ſum of twenty pounds; and the perſon, who ſhall be appointed to mark, ſtamp, or ſeal cards or dice in the city of Cork, the yearly ſum of ten pounds; which ſaid yearly ſum ſhall be paid them quarterly, by the ſaid reſpective collectors of the ſaid ports of Dublin and Cork out of the ſaid duties hereby charged on cards and dice.

Commiſſioners of revenue to appoint in writing the mark or ſtamp; and perſons to keep and affix the ſame,

whoſe ſalary in Dublin, 20*l.* yearly: 7 *G.* 2. 12. *additional ſalary.* in Cork 10*l.*

payable quarterly by collector out of the duties.

XXI. And for preventing any miſtake or fraud in ſtamping or marking any cards or dice not duly entered, or for which the duties impoſed by this act ſhall not have been duly paid: be it further enacted by the authority aforeſaid, That the collectors of the ſaid ports of Dublin and Cork reſpectively, or in their abſence their reſpective clerks, ſhall upon the requeſt of the perſon or perſons, who ſhall duly enter any cards or dice, and pay the duties impoſed thereon by this act, certify in writing under his hand the number of pairs of dice and packs of cards, which ſhall have been ſo entered; and for which the ſaid duties ſhall have

Collectors ſhall on requeſt, after ſuch entry and payment, certify the numbers, and names and abodes of the perſons:

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have been ſo paid, and alſo the names and places of abode of ſuch perſons, who ſhall have made ſuch entries, and paid the ſaid duties; upon the delivery of which ſaid certificates the ſaid collector, or his clerk, who for the time being ſhall be appointed to ſuch office, ſhall ſtamp or ſeal the ſaid perſon ſo appointed, upon the ſaid certificate in a book delivered him by the collectors of Dublin and Cork, to be kept by him for that purpoſe, and ſhall with all convenient ſpeed mark, ſtamp, or ſeal ſuch and ſo many pair of dice and packs of cards, as ſhall be mentioned to be contained in ſuch certificate; and the perſon marking, ſtamping, or ſealing the ſame, is hereby required to enter under the ſaid certificate in the ſaid book, to be kept for that purpoſe, the number of the pairs of dice, and packs of cards, as he ſhall ſo mark, ſtamp, or ſeal, purſuant to the ſaid certificate, with the days and times of his ſo marking, ſtamping, and ſealing the ſame, till the full number of pairs of dice and packs of cards, which ſhall be contained in ſuch certificate from the ſaid collector or his clerk, ſhall be duly marked, ſtamped, and ſealed, purſuant to this act; which ſaid book, at the end of every year, or oftner, if required by the commiſſioners of his Majeſty's revenue, or by any three or more of them, ſhall be returned to the ſaid commiſſioners to be examined by them, or any other perſon or perſons to be appointed by them, or any three or more of them, to examine the ſame.

Perſon appointed to mark, &c. ſhall enter by the maſter, with the days and times of marking ſo many as in the certificate, and enter the numbers and times.

The book to be returned to ſaid commiſſioners.

XXII. And be it further enacted by the authority aforeſaid, That if any perſon appointed as aforeſaid to mark, ſtamp, or ſeal, ſuch cards or dice, ſhall wilfully neglect or refuſe to mark, ſtamp, or ſeal the number of pairs of dice or packs of cards contained in ſuch certificate, then the perſon ſo neglecting or refuſing ſhall forfeit for every ſuch default the ſum of five pounds; one moiety thereof to his Majeſty, his heirs and ſucceſſors, and the other moiety to the perſon injured: provided that no perſon ſhall be obliged to mark, ſtamp, or ſeal any dice or cards but twice in every week: (that is to ſay) on Tueſday and Thurſday in every week; and between the hours of nine in the morning and twelve at noon, and between the hours of two and four in the afternoon on the ſaid days.

Penalty on refuſing to mark, 5*l.* to the King and party.

Days of marking Tueſday, and Thurſday: between 9 and 12, and 2 and 4. *and 7 G. 2. 12. Saturday.*

XXIII. And be it further enacted by the authority aforeſaid, That there ſhall be raiſed, levied, and collected to his Majeſty, his heirs and ſucceſſors, for and upon all cards and dice, which ſhall be made and remain unſold in the hands of any perſon or perſons trading or dealing therein before the twenty fifth day of March one thouſand ſeven hundred and thirty, the ſeveral and reſpective rates and duties herein after mentioned: (that is to ſay) for and upon every pack of ſuch cards the ſum of four pence, and

Duty on cards made and unſold before ſaid 25 March, 4*d.* dice 3*s.* and 4*d.*

and for and upon every pair of ſuch dice the ſum of three ſhillings and four pence; and that all ſuch playing cards and dice, as ſhall be made and finiſhed before the twenty fifth day of March one thouſand ſeven hundred and thirty, ſhall before the twenty fifth day of May one thouſand ſeven hundred and thirty be brought to the office of the collectors of the ſaid ports of Dublin or Cork, and upon oath made, that the ſame were actually made and finiſhed in this kingdom before the ſaid twenty fifth day of March one thouſand ſeven hundred and thirty, which oath the collectors of the ſaid ports of Dublin and Cork are hereby reſpectively impowered to adminiſter, and upon payment of the duties hereby charged on the ſame to the ſaid collectors reſpectively, the ſaid collectors are hereby reſpectively required to certify the payment of ſuch duties, and the number of pairs of dice and packs of cards, for which the ſaid laſt mentioned duties ſhall be ſo paid; and upon delivering ſuch certificate to the perſon to be appointed as aforeſaid to ſeal, mark, or ſtamp, ſuch dice and cards, he ſhall forthwith ſeal, mark, or ſtamp in manner aforeſaid ſuch cards and dice, as are laſt mentioned, with ſuch ſeal, mark, or ſtamp, as the ſaid commiſſioners, or any three or more of them, ſhall provide or appoint, to denote the duties hereby charged on ſuch cards and dice; and that all playing-cards and dice, which ſhall not be brought to the ſaid offices of the ſaid collectors of the ports of Dublin and Cork, or one of them, and for which the duties hereby charged ſhall not be paid, and touching which ſuch oath as aforeſaid ſhall not be made before the twenty fifth day of May one thouſand ſeven hundred and thirty, ſhall be adjudged and deemed to be cards and dice made after the twenty fifth day of March one thouſand ſeven hundred and thirty, and ſhall be charged accordingly with the full duties impoſed by this act on cards and dice.

brought to collectors before 25 May, and oath made of being finiſhed before 25 March,

on certificate of payment, to be ſtamped as aforeſaid.

XXIV. And for the better ſecuring the ſaid duties on cards and dice; be it further enacted by the authority aforeſaid, That from and after the ſaid twenty fifth day of March one thouſand ſeven hundred and thirty, and during the continuance of the duties hereby impoſed, no playing-cards or dice ſhall be ſold, or expoſed to ſale, or played with, which ſhall not be ſealed, marked, or ſtamped, as by this act is required, upon pain that every perſon, who ſhall from and after that time, and during the continuance of the duties hereby impoſed, ſell, or expoſe to ſale, or knowingly play with any ſuch cards or dice, which ſhall not be reſpectively ſealed, marked, or ſtamped, as by this act is required, ſhall forfeit for every pack of ſuch cards, and every one of ſuch dice ſo ſold, or expoſed to ſale, or played with, the ſum of ten ſhillings *ſterling*; the one moiety thereof to his Majeſty, his heirs and ſucceſſors,

if ſold, expoſed, or played with, not marked,

Penalty 10 *s.* to King and informer.

25 G. 2. c. 10. *againſt further frauds therein.*

and

A. D. 1729. Chap. 5.

Commissioners or officers knowingly suffering to play without license.

...and the other ... to him or them that shall first inform ... prosecute to effect ...

XXV. And ... dice, payable ... shall counterfeit ... impression of the ... paste, casting any cards ... hereafter ... of any of the said duties upon ... or shall use, vend, or sell any cards or dice, with ... seal, stamp or mark, knowing the same to be counterfeit, ... privately or fraudulently use any seal, stamp, or ... vided and ... in pursuance of this act, relating to the ... upon cards and dice, so as thereby to defraud his Majesty ... or succession of any of the said duties upon cards and dice, then every such person so offending, and being thereof convicted in due form of law, shall be adjudged a felon, and shall suffer death as in case of felony without the benefit of clergy or of the statute.

Revenue officers may enter in day-time where cards or dice made, &c. or into publick gaming-house, and search.

25 G. 2. c. 10. any person may be authorized by the corporation.

XXVI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any officer or officers of his Majesty's revenue in this kingdom, to enter after the said twenty fifth day of March one thousand seven hundred and thirty in the day-time, into any house or place, where cards or dice are or shall be made, sold, or exposed to sale, or suspected to be privately made, or into any publick gaming-house, room, or place, and there to search or see what quantity of cards and dice shall be making, and whether the cards and dice so sold, or exposed to sale, or so used in play, be duly sealed, marked, and stamped according to the true meaning of this act; and if the owner or occupier of any house or place, where cards and dice shall be made, sold, or exposed to sale, or of any such publick gaming-house as aforesaid, shall at any time or times refuse entrance or liberty of search to such officer or officers, such owner or occupier shall for every such refusal forfeit the sum of ten pounds, to be divided as aforesaid.

Penalty for refusal, 10 l. as aforesaid.

may be removed without marking or paying duty, if in a month after made security for double the

XXVII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to remove any cards or dice from the place where the same shall be made without sealing, marking, or stamping the same, or paying any the duties imposed thereon by this act, provided within one month after the same shall be made, and before the same shall be removed from the place of the making thereof, a bond be entred into to his Majesty, his

his heirs and ſucceſſors, with ſufficient ſurety, in a penal ſum of double the duties charged on ſuch cards or dice, with a condition for exporting ſuch cards and dice to ſome part or port beyond the ſeas within a time to be limited in ſuch bond, and that the ſame or any of them ſhall not be relanded in any part of Ireland, and that ſuch bond be left in the hands of the collector of the port of Dublin or the collector of the port of Cork reſpectively, where ſuch cards or dice ſhall be entred for exportation, and a certificate be given by ſuch collector, that ſuch bond is entred into with relation to ſuch cards and dice; and provided the maſter of the ſhip or veſſel, in which ſuch cards or dice are to be exported, ſhall make oath before the collector of the port of Dublin or Cork, where ſuch cards and dice ſhall be ſhipped, that to the beſt of his knowledge and belief the ſame are not intended to be relanded, and that he will not ſuffer the ſaid cards and dice, or any of them, to be relanded in any part of this kingdom, unleſs in caſe of real diſtreſs; which oath the ſaid collector of Dublin and Cork reſpectively are hereby impowered to adminiſter.

A. D. 1729. Chap. 7.

duty given to export in limited time, and not reland.

The bond left with collector,

Certificate thereof.

Oath by captain of the ſhip that not intended to reland, and not to ſuffer it, unleſs real diſtreſs.

XXVIII. And be it further enacted by the authority aforeſaid, That all and every the duties hereby granted to his Majeſty, his heirs and ſucceſſors, on cards and dice, and all pecuniary penalties and forfeitures exceeding ten pounds, and all forfeitures of cards or dice, and the materials of or for making thereof, impoſed by this act in relation to the ſame, ſhall, during the ſaid term of twenty one years, be raiſed, collected, recovered, and levied, by ſuch ways and means, and in ſuch manner and form, as are appointed, directed, and expreſſed, in and by an act made in this kingdom, in the fourteenth year of the reign of King Charles the ſecond, intituled, *An act for the ſettling of the exciſe and new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates thereto inſerted*, or by any other law now in force relating to the revenue or exciſe in this kingdom, with the like remedy of appeal to and for the party grieved, as in and by the ſaid act of exciſe is provided.

ſaid duties and penalties above 10 l. and forfeitures, raiſed as by 14 C. 2. c. 8. or other revenue law in force.

XXIX. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for any two or more juſtices of the peace for the time being of the county, reſiding near to the place where any pecuniary forfeitures, not exceeding ten pounds, upon this act of Parliament, touching any of the duties hereby impoſed upon cards and dice, ſhall be incurred, to hear and determine the ſame; which ſaid juſtices of the peace are hereby authorized and required upon complaint made in that behalf, within two calendar months after the offence committed, to ſummon the party accuſed, and alſo the witneſſes on either ſide; and if upon the appearance or contempt of the party accuſed,

2 juſtices of the county, near the place, may determine penalties not above 10 l.

On complaint, in 2 months after offence, ſhall ſummon,

A. D. 1729. Chap. 5.

fed, and examination of the witneſs or witneſſes on oath, which the ſaid juſtices are hereby impowered to adminiſter, he ſhall be convicted of the offence [illegible] to anſwer and [illegible] out warrants under their hands and ſeals to the conſtables [illegible] and bailiffs of the ſaid county, for levying [illegible] on the goods of the offender, and to cauſe [illegible] to be ſold, in caſe the ſame ſhall not be redeemed within [illegible] delivering to the party the overplus (if any); and if any party ſhall find himſelf aggrieved by the judgment of the ſaid juſtices, then he or they ſhall and may complain or appeal to the juſtices of the peace at the next general quarter-ſeſſions for that county, who are hereby impowered to ſummon and examine witneſſes upon oath, and finally to hear and determine the ſame; and in caſe of conviction to iſſue warrants for levying the penalties as aforeſaid, and alſo for levying of the goods of the appellants ſuch ſum not exceeding forty ſhillings, as the ſaid juſtices ſhall appoint for the coſts of ſuch appeal, to be paid to the informer.

and be ſpecified [illegible] warrant of levy, and not redeemed in 6 days.

Appeal to ſeſſions.

40 s. coſts againſt appellant, to informer.

XXX. And be it further enacted by the authority aforeſaid, That from and after the ſaid twenty fifth day of March one thouſand ſeven hundred and thirty, during the ſaid term of twenty one years from thence next enſuing, there ſhall be raiſed, levyed, collected, anſwered, and paid unto his Majeſty, his heirs and ſucceſſors, for and upon all gold or ſilver plate wrought or manufactured, which ſhall be imported and brought into the kingdom of Ireland, and for and upon all gold or ſilver plate to be made or wrought within the ſame, the ſeveral and reſpective rates and duties following: (that is to ſay) for and upon all gold or ſilver plate made, or to be made, which, at any time or times after the ſaid twenty fifth day of March one thouſand ſeven hundred and thirty, during the ſaid term of twenty one years, ſhall be imported or brought into the ſaid kingdom of Ireland, over and above all other cuſtoms and duties already impoſed thereon, a duty at the rate of ſix pence for every ounce *troy*, and ſo proportionably for a greater or leſſer quantity, to be paid down in ready money by the importer thereof; and for and upon all gold or ſilver plate, which ſhall be made or wrought in Ireland at any time or times from and after the ſaid twenty fifth day of March one thouſand ſeven hundred and thirty, during the ſaid term of twenty one years, a duty at the rate of ſix pence for every ounce *troy*, to be paid by the makers or workers thereof reſpectively.

Duty for 21 years on wrought gold or ſilver plate imported or made in Ireland, 6 d. *per* ounce *troy*, beſides duties already impoſed. 23 G. 2. 5. *continued* 21 *years.*

XXXI. And be it further enacted by the authority aforeſaid, That the ſaid duty by this act impoſed upon wrought plate, to be imported after the ſaid twenty fifth day of March one thouſand ſeven hundred and thirty, during the ſaid term of twenty

Said duty on plate imported levied as the duty on cards and dice imported.

twenty one years, shall be raised, levyed, recovered, and paid to his Majesty, his heirs and successors, by such rules, ways, means, and methods, and under such penalties and forfeitures, as the duties upon cards and dice imposed, imposed by this act, are prescribed and appointed to be raised, levyed, recovered, answered, and paid. A. D. 1729. Chap. 3.

For securing the duty on plate wrought in Ireland, no goldsmith, &c. shall sell or barter the same (unless silver wire, &c. not above 4 penny weight) till allayed and touched, 25 G. 2. 10. *Penalty also on buyer.*

XXXII. And for the better securing the said duty upon wrought plate made in Ireland; be it further enacted by the authority aforesaid, That from and after the said twenty fifth day of March one thousand seven hundred and thirty, during the said term of twenty one years, no gold-smith, silver-smith, or other person whatsoever, working or trading in wrought or manufactured gold or silver, shall sell or expose to sale, barter, or exchange any gold or silver plate, vessel, or manufacture of gold or silver, unless it be silver-wire, or such things not exceeding four penny weight, which in respect of their smallness are not capable of receiving a mark, until such time as such plate, vessel, or manufacture of gold or silver, shall be allayed, touched, and marked, in manner and form hereafter prescribed in that behalf, upon pain of forfeiting the value thereof, to be recovered by civil bill before the judges of assize in their respective circuits, and at the sessions of the county of Dublin and county of the city of Dublin by any person, who shall discover and sue for the same, where the value shall not exceed the sum of ten pounds; and where the value shall exceed the sum of ten pounds, then the same shall be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at the Four courts in Dublin; one moiety, where the value of such forfeiture shall exceed the sum of ten pounds, to his Majesty, his heirs and successors, to the uses in this act mentioned; the other moiety to him or them that shall first discover and sue for the same.

On pain of forfeiting the value, by civil bill, to informer, if not above 10 l. if above, by action of debt, to King and informer.

XXXIII. And be it further enacted by the authority aforesaid, That all gold or silver plate wrought or manufactured in Ireland after the said twenty fifth day of March one thousand seven hundred and thirty, during the said term of twenty one years, shall be allayed by the allay-master, now or hereafter to be appointed by the fraternity or company of gold-smiths in the city of Dublin; and after such allay made, if such gold plate shall be found conformable to the standard of twenty two carrats of fine gold in every pound Troy, and if such silver plate shall be found conformable to the standard of eleven ounces two penny weight fine silver in every pound Troy, then the same shall be touched by the wardens of the said fraternity or company, and marked with the marks now used for that purpose; and after the same shall be touched and marked as aforesaid, then the said duty of six pence *per*

6 G. 1. 11. *Eng.* Plate wrought in Ireland shall be allayed by the master appointed by goldsmith's company; if conformable to standard, 22 carrats fine gold in every pound, and 11 ounces 2 penny weight fine silver, then to be touched and marked;

per ounce imposed by this act shall be paid by the person bringing such plate to be assayed and touched, for every ounce of such plate so assayed and touched, and so proportionably for a greater or lesser quantity (except before excepted) over and above all other duties now payable for assaying and touching the same, to the said assay-master, who is hereby impowered and required upon receipt of the said duty to stamp or mark without fee or reward the said plate with such stamp or mark, as the commissioners of his Majesty's revenue for the time being, or any three or more of them, shall from time to time appoint; and after the stamping or marking thereof, as aforesaid, the said assay-master for the time being, is hereby required from time to time to enter in a book, to be by him kept for that purpose, the several quantities of wrought or manufactured plate, so by him stamped or marked, and the names of the owners or proprietors of such plate, and the days and times of stamping or marking thereof, and the duty imposed by this act received by him; upon receipt of which said duty the said assay-master shall give an indented receipt, numbered under his hand, for the said duty, to the person or persons who shall pay the same; a duplicate of which said indented receipt shall be kept by him in a book bound for that purpose.

then said duty to be paid,

and assay-master shall, without fee, stamp as by the commissioners directed.

and enter the quantities, names of owners, times of stamping, and duty received;

and give indented receipt for the duty, numbered, and keep a duplicate in a book:

XXXIV. And be it further enacted by the authority aforesaid, That the said assay-master for the time being shall once at least in every month bring into his Majesty's Exchequer all such sum or sums of money, by him received for or upon account of the duty hereby imposed by this act upon plate, and pay the same to the vice-treasurer or vice-treasurers, his or their deputy or deputies, for the time being, who is and are hereby required to give acquittances for the same in the manner as for any other his Majesty's revenue.

and once a month bring into Exchequer sums received,

and pay to vice-treasurer, who is to give acquitances;

XXXV. And be it further enacted by the authority aforesaid, That the said assay-master for the time being shall once in every year, or oftner, if thereunto required by the commissioners of his Majesty's revenue for the time being, or any three or more of them, return and lodge with them the said books, containing an account of the duties received by him by virtue of this act, and duplicates of receipts given by him for the same.

and once a year, or oftner if required, lodge said books with commissioners.

and by 25 G. 2. 10. once a year give account to corporation for inland navigation.

XXXVI. And be it further enacted by the authority aforesaid, That the said assay-master for the time being, before he shall be impowered to mark such plate, or receive any duty imposed by this act on the same, shall be sworn to the due and faithful execution of his office in assaying such plate, and stamping or marking the same, pursuant to this act; and also to bring into his Majesty's Exchequer once every month at the least all moneys received by him for or on account of the duties hereby imposed on plate,

he shall be first sworn by the commissioners.

except

except as hereafter is excepted; which ſaid oath ſhall and may be adminiſtred by the commiſſioners of his Majeſty's revenue for the time being, or any three or more of them, who ſhall give to ſuch officer a certificate thereof. A. D. 1729. Chap. 3.

and ſhall, with ſufficient ſecurity, give bond 1000 *l.*

XXXVII. And be it further enacted by the authority aforeſaid, That the aſſay-maſter for the time being, before he ſhall be allowed to ſtamp or mark any ſuch plate, or receive any duty thereon by virtue of this act, ſhall with ſufficient ſecurity, to be approved of by the ſaid commiſſioners for the time being, or any three or more of them, enter into a bond of the penalty of one thouſand pounds to his Majeſty, his heirs or ſucceſſors, for the due and faithful execution of his office, and the truſt repoſed in him by this act; which ſaid bond ſhall be forthwith lodged in the office of the chief remembrancer of his Majeſty's court of Exchequer.

lodged in Exchequer.

Counterfeiting or forging the ſtamp or mark, or vending knowingly, &c. felony without clergy.

XXXVIII. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall at any time or times counterfeit or forge any ſtamp or mark to reſemble any ſtamp or mark, which in purſuance of this preſent act ſhall be provided to denote the payment or charging the duty on plate or manufactures of plate payable by this act, or ſhall counterfeit or reſemble the impreſſion of the ſame upon any plate or manufactures of plate, thereby to defraud his Majeſty, his heirs or ſucceſſors, of any part of the ſaid duty upon plate or manufactures of plate, or ſhall utter, vend, or ſell any plate or manufactures of plate with ſuch counterfeit ſtamp or mark, knowing the ſame to be counterfeit, or ſhall privately or fraudulently uſe any ſtamp or mark to be provided and uſed in purſuance of this act, relating to the ſaid duty on plate or manufactures of plate, ſo as thereby to defraud his Majeſty, his heirs or ſucceſſors, of any part of the ſaid duty upon plate or manufactures of plate, then every ſuch perſon ſo offending, and being thereof convicted in due form of law, ſhall be adjudged a felon, and ſhall ſuffer death as a felon without benefit of clergy.

Stamp officer ſhall detain out of the duties 20 *l.* yearly ſalary. 15 *G.* 2. 6. *additional ſalary*:

XXXIX. And be it further enacted by the authority aforeſaid, That the officer, appointed by this act to ſtamp or mark plate or manufactures of plate to denote the payment of the ſaid duties thereon, ſhall have and detain out of thoſe duties the yearly ſum of twenty pounds for his ſalary and reward for the execution of the ſaid office; any thing herein contained to the contrary notwithſtanding.

ſaid duties, and the King's moiety of forfeitures, brought into Exchequer for purpoſes in

XL. And be it further enacted by the authority aforeſaid, That the moneys ariſing from the ſaid duties impoſed by this act, and his Majeſty's moiety of all penalties and forfeitures by virtue of this act (the neceſſary charges of raiſing the ſame excepted) ſhall

A. D. 1729. Chap. 3.

this act, and paid to commissioners by this act named, on their warrant,

shall from time to time be brought into the receipt of his Majesty's Exchequer for the purposes in this act expressed, and shall from time to time without any fee or deduction be paid by the vice-treasurer or receiver-general of this Kingdom, to the said commissioners, hereby or hereafter to be nominated by virtue of this act, on their warrant or warrants under the hands of the major part of the said commissioners then present (such major part not to be less than eleven in number) without any further or other warrant to be sued for, had, or obteined in that behalf; and that the said commissioners hereby or hereafter to be nominated by virtue of this act, or the major part of them then present, such major part not being less than eleven, shall have full power, and are hereby authorised and impowered from time to time, to lay out, apply, and dispose of the moneys arising from the said duties imposed by this act, and every or any part thereof for the encouragement and improvement of tillage, employment of the poor, draining and improving bogs, and unprofitable low-grounds, making of the several rivers navigable, and making of canals for the easing and dispatching the inland carriage, and conveyance of goods and merchandize from one part to another within this kingdom, by such ways and means, and in such manner and proportion, and at such times, as they shall think most fit and convenient, except by giving or making any premium or allowance upon or in respect of the exportation of corn out of this kingdom.

to be applied for encouragement of tillage, &c. as they think fit,

except allowance for exportation of corn.

11 Commissioners may appoint tolls on boats, goods, and passengers on rivers, &c. made navigable,

XLI. And be it further enacted by the authority aforesaid, That the commissioners hereby or hereafter to be appointed by this act, or the major part of them then present, such major part not being less than eleven, shall and may from time to time appoint such tolls, rates, or duties, for and upon all boats, goods, merchandizes, and passengers navigating or passing in or upon any river, stream, cutt, or canal made navigable or passable in pursuance of this or the said first recited act; to be collected, levyed, and received by such person or persons, as the said commissioners, or any eleven or more of them, shall from time to time appoint, and by such ways and means, and in such manner and form, as the tolls, rates, or duties, in the said first recited act mentioned and intended to be thereby payable to the undertakers therein named for the river Shannon, are by the said act appointed to be collected, levyed, and received; and that no other toll, rate, or duty, shall be paid or payable for navigating or passing any such river, stream, cutt, or canal, save such as shall from time to time be appointed as aforesaid; and that all and every the tolls, rates, and duties, which shall be collected, levied, and received as aforesaid, the necessary charges of collecting the same to be ascertained

levied as by them appointed, and as by 2 G. 1. 12. directed.

25 G. 2. 10. further powers.

29 G. 2. 10.

and no other toll.

Said tolls applied to repair locks or works on rivers, as by them directed.

tained by the said commissioners, being first deducted, shall from time to time be applied and laid out in repairing, and keeping up the several locks, and other works which shall be made in pursuance of this or the said first recited act upon such rivers, streams, or canals, from the navigation whereof such tolls, rates, or duties shall respectively arise, in such manner and proportion as the said commissioners, or any eleven or more of them shall from time to time direct or appoint, and to no other use, intent, or purpose whatsoever; and that the said commissioners, or any eleven or more of them, shall and may from time to time enter into contracts and make bargains with any workmen, artificers, or other person or persons, for the making and doing all and every or any part of the said works, and all other matters and things whatsoever in and about the premisses; and shall also from time to time and at all times hereafter make such orders, by-laws, and regulations for the better execution of the trusts, powers, and authorities reposed in them, with such penalties for the breach thereof, as they, or any eleven or more of them, shall think reasonable; and shall and may issue out their warrants for all and every sum and sums of money, that shall be so imposed or assess for such breaches, to be levied in such manner as the tolls, rates, or duties, by the said first recited act appointed to be paid, are therein directed to be levied; provided such by-laws, and the penalties for the breach thereof be agreeable to the laws of this realm, and be first approved of and signed by the lord chancellor, or lord-keeper of the great seal of this kingdom, and the three chief judges for the time being, or any two or more of them.

make by-laws, &c. with penalties,

and issue warrants for breach, as by 2 G. 1. 12.

such by-laws being lawful and approved by lord chancellor, &c. 29 G. 2. 10.

XLII. And be it further enacted by the authority aforesaid, That if any action, suit, or information, shall be commenced or prosecuted against any person or persons for any thing, that he or they shall do, or cause to be done, in pursuance of this or the first recited act, all and every such person or persons, so sued in any court whatsoever, shall and may plead the general issue, and give this and the said first recited act and the special matter in evidence; and if any such suit the plaintiff or prosecutor shall become nonsuit, or forbear prosecution, or discontinue the suit, or if a verdict shall pass against him, or judgment be given against him upon a demurrer, then in any of the said cases the defendant or defendants shall recover full costs; for which he and they shall have the like remedy, as where costs by law are allowed.

Persons sued for acting may plead general issue, &c. and have full costs on nonsuit, &c.

XLIII. And be it further enacted by the authority aforesaid, That the said commissioners, or the major part of them then present, such major part not being less than eleven, shall and may appoint a clerk

Said commissioners may appoint necessary servants, and salaries, not a-

A. D. 1729. Chap. 3.

above 70 *l. per ann.* in the whole, out of said duties.

29 *G. 2.* c. 10. *additional salaries & offices.*

Commissioners shall provide books, to enter receipts and disbursements.

a clerk and door-keeper, and other necessary servants, and appoint proper salaries for them respectively, not exceeding in the whole the sum of seventy pounds *per annum*, to be paid out of the said duties granted as aforesaid.

XLIV. And be it further enacted by the authority aforesaid, That there shall from time to time be provided and kept by the said commissioners one or more book or books, in which all and every sum and sums of money, which shall be received by them in pursuance of this act, and also all sum and sums of money disbursed, laid out, or expended in or about the premisses, shall from time to time be fairly set down and entered, expressing the time when, and the name of the person or persons to whom the same were paid, and for what use or purpose such payment was made.

14 & 15 C. 2. 9.

XLV. And whereas by an act of Parliament made in the fourteenth and fifteenth years of the reign of his late Majesty King Charles the second, intituled, *An act for settling the subsidy of poundage, and granting a subsidy of tonnage and other sums of money unto his royal Majesty, his heirs and successors, the same to be paid upon merchandizes imported and exported into or out of the kingdom of Ireland, according to a book of rates thereunto annexed*, a certain duty of twelve pence of English money of every twenty shillings value of any of the native commodities of this realm, or manufacture wrought of any such commodities to be carried out of this realm, according to the value thereof expressed in the book of rates thereunto annexed, is made payable to his said late Majesty King Charles the second, his heirs and successors; in which book of rates each stone, containing eighteen pounds of Irish wooll exported, is rated at the value of one pound five shillings, and a duty of five pounds *per centum*, is made payable for all goods inward or outward not rated: and whereas by one other

1 *G.* 2. 6.

act of Parliament made in the first year of his present Majesty's reign, intituled, *An act for the more effectual preventing several frauds and abuses committed in his Majesty's customs and excise, and for settling the rates of certain goods and merchandizes not particularly valued in the book of rates*, it is enacted, that from and after the first day of June one thousand seven hundred and twenty eight the several rates and values therein specified and set against the several goods and merchandizes therein mentioned shall be the rates and values of such goods and merchandizes respectively, according to which his Majesty's duties of customs shall be paid, computing the duties of customs after the rate of twelve pence for every twenty shillings value of such goods and merchandizes; amongst which bay-yarn exported is valued at fifteen shillings the great stone, and woollen-yarn exported is

valued

valued at eight ſhillings the great ſtone: and whereas the repealing and taking off the ſaid duties will be a means to prevent the clandeſtine exportation of thoſe commodities, and an encouragement to fair traders: be it therefore enacted by the authority aforeſaid, That from and after the firſt day of May in the year of our Lord one thouſand ſeven hundred and thirty the ſaid duties of poundage upon woolls, bay-yarns, and woollen-yarns, exported out of this kingdom to that part of Great-Britain called England, and all powers and authorities to demand, collect, or receive the ſaid duties, or any of them, and all penalties and forfeitures to be incurred for non-payment thereof, ſhall ceaſe and be abſolutely diſcharged and repealed.

A. D. 1729.

Duties of poundage on wool, bay-yarn, and woollen-yarn exported, taken off.

CHAP. IV.

An act for the more effectual preventing and further puniſhment of forgery, perjury, and ſubornation of perjury, and to make it felony to ſteal bonds, notes, or other ſecurities for payment of money, and for the more effectual tranſporting felons, vagabonds, and others.

WHEREAS it has been found by experience, that the laws now in being are not ſufficient to prevent the pernicious and abominable crimes of forgery, perjury, and ſubornation of perjury: be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent parliament aſſembled, and by the authority of the ſame, That if any perſon from and after the firſt day of May in the year of our Lord one thouſand ſeven hundred and thirty ſhall falſly make, forge, or counterfeit, or cauſe or procure to be falſly made, forged, or counterfeited, or willingly act or aſſiſt in the falſe making, forging, or counterfeiting, any deed, laſt will or teſtament, bond, writing obligatory, bill of exchange, promiſſory note for payment of money, to the value of five pounds, endorſement or aſſignment of any bill of exchange or ſuch promiſſory note for payment of money, or any acquittance, or receipt, either for money or goods to the value of five pounds, with intention to defraud any perſon whatſoever, or ſhall utter or publiſh as true any falſe, forged, or counterfeited deed, laſt will or teſtament, bond, writing obligatory, bill of exchange, ſuch promiſſory note for payment of money, endorſement or aſſignment of any bill of exchange, or ſuch pro-

2 G. 2. 25. *Eng.*

The laws againſt forgery and perjury inſufficient.

28 *Eliz.* 3.

Forging or counterfeiting a deed, will, obligation, bill, or note for money, value 5 l. indorſement or aſſignment, acquittance or receipt for money or goods of 5 l. to defraud, or uttering the ſame, knowingly,

A. D. 1729. Chap. 24.

Perſon, adjudged to benefit of clergy, or the ſtatute, or tranſported, at diſcretion of the court. 17 G. 2. 11. *excluded from clergy, &c.*

28 *Eliz.* 1. For perjury or ſubornation, beſides former puniſhment, to be ſent to houſe of correction, or tranſported, 7 years,

eſcaping, breaking priſon, or returning, death without benefit of clergy or the ſtatute, tried where eſcape, or where apprehended.

Stealing or robbing ſecurities for money, felony of ſame nature as if goods of like value ſtolen.

petitionary note for payment of money, ſuch acquittance or receipt either for money or goods, with intention to defraud any perſon knowing the ſame to be falſe, forged, or counterfeited; then every ſuch perſon being thereof lawfully convicted according to the due courſe of law ſhall be deemed guilty of felony, and ſhall either be admitted to the benefit of clergy, or of the ſtatute, and be burned in the hand, or ſhall be tranſported, in ſuch manner as other felons are, or ſhall be otherwiſe puniſhed at the diſcretion of the court before which ſuch offender ſhall be convicted.

II. And the more effectually to deter perſons from committing wilful and corrupt perjury, or ſubornation of perjury; be it further enacted by the authority aforeſaid, That beſides the puniſhment already to be inflicted by law for ſo great crimes, it ſhall and may be lawful for the court or judge, before whom any perſon ſhall be convicted of wilful and corrupt perjury, or ſubornation of perjury according to the laws now in being, to order ſuch perſon to be ſent to ſome houſe of correction within the ſame county for a time not exceeding ſeven years, there to be kept to hard labour during all the ſaid time, or to be tranſported to ſome of his Majeſty's plantations beyond the ſeas for a term not exceeding ſeven years, as the court ſhall think moſt proper, and thereupon judgment ſhall be given, that the perſon convicted ſhall be committed or tranſported accordingly over and beſides ſuch puniſhment, as ſhall be adjudged to be inflicted on ſuch perſon agreeable to the laws now in being; and if tranſportation be directed, the ſame ſhall be executed in ſuch manner, as is or ſhall be provided by law for the tranſportation of felons; and if any perſon ſo committed or tranſported ſhall voluntarily eſcape, or break priſon, or return from tranſportation before the expiration of the time, for which he ſhall be ordered to be tranſported as aforeſaid, ſuch perſon being thereof lawfully convicted ſhall ſuffer death as a felon without benefit of clergy or of the ſtatute, and ſhall be tried for ſuch felony in the county, where he ſo eſcaped, or where he ſhall be apprehended.

III. And be it further enacted by the authority aforeſaid, That if any perſon or perſons after the ſaid firſt day of May one thouſand ſeven hundred and thirty ſhall ſteal or take by robbery any Exchequer acquittance, debenture, bills of exchange, goldſmiths or bankers notes for payment of money, bonds, warrants, bills, or promiſſory notes for the payment of any money, being the property of any other perſon or perſons, or of any corporation, notwithſtanding any of the ſaid particulars are termed in law a Choſe in action, it ſhall be deemed and conſtrued to be felony of the ſame nature, and in the ſame degree, and with or without

out

out the benefit of clergy, or of the ſtatute in the like manner as it would have been, if the offender had ſtolen or taken by robbery, any other goods of like value with the money due on ſuch Exchequer acquittance, debenture, bills of exchange, goldſmiths, or bankers notes, bonds, warrants, or notes, or ſecured thereby and remaining unſatisfied; and ſuch offender ſhall ſuffer ſuch punishment, as he or ſhe ſhould or might have done, if he or ſhe had ſtolen other goods of the like value with the money due on ſuch Exchequer acquittance, debenture, bills of exchange, bonds, warrants, or notes reſpectively, or ſecured thereby and remaining unſatisfied; any law to the contrary thereof in any wiſe notwithſtanding. A. D. 1729. Chap. 4.

IV. Provided always, and be it further enacted by the authority aforeſaid, That no attainder for any offence hereby made felony ſhall make or work any corruption of blood, loſs of dower, or diſherſon of heirs. Attainder of felony by this act, no corruption of blood, loſs of dower or diſherſon.

V. And whereas the ſums of money ordered by the laws now in force for tranſporting felons, vagabonds, and other offenders, to his Majeſty's plantations in America are ſo very ſmall, that the maſters of ſhips and veſſels bound thither refuſe to carry them to America, by which means great numbers of them are confined in goals under ſentence of tranſportation to the great charge of the county: be it therefore further enacted by the authority aforeſaid, That where any felon, vagabond, or other offender, who now is or hereafter ſhall be convicted of any offence, for which ſuch perſon is or ſhall be liable to tranſportation by this or any former ſtatute, or preſented by the grand-jury as a vagabond in order to be tranſported; the grand-juries at the ſeveral aſſizes, or in the King's bench, or on any commiſſion of oyer and terminer, or at the general quarter-ſeſſions of the peace for the county of Dublin, or county of the city of Dublin, inſtead of the ſum formerly ordered for the tranſportation of felons, vagabonds, and other offenders, may preſent any ſum of money not exceeding ſix pounds for the effectual tranſportation of each perſon ſo convicted or preſented, in which ſhall be included a ſum not exceeding twenty ſhillings for tranſmittal of ſuch perſons ſo to be tranſported as aforeſaid; which ſum or ſums, when preſented and levyed, ſhall be paid by the treaſurers of the reſpective counties, where ſuch perſons have or ſhall be convicted or preſented for tranſportation, to the ſheriff or ſheriffs of the ſeveral reſpective counties; and the ſheriffs of the reſpective counties are hereby directed, upon ſuch preſentments being made, forthwith to tranſmit ſuch offender or offenders to one of the ſea-port towns or cities, where by the law now in force they are

Sums for tranſporting felons, &c. too ſmall:

great number in the gaols.

Grand juries may preſent 6 l. for tranſporting felons, &c.

including 20 s. for tranſmittal:

paid by treaſurer to ſheriff,

who ſhall tranſmit to ſea-port, where ſhips ready to ſail to America, to the chief magiſtrate;

A. D. 1729. Chap. 4.

are obliged to find them, where there are any ships ready to sail to any of his Majesty's plantations in America, and to deliver over such offender or offenders to the chief magistrate of such city or town, with the respective sums presented, after deducting so much as is allowed in the presentment for transmittal fees; and the chief magistrate of each respective city or town, to whom such offender or offenders are delivered, is to deliver over such offender or offenders, with the several sums paid to him by the sheriff or sheriffs, to such master or masters of ships or vessels who contract for the transportation of such offender or offenders; and the chief magistrate is hereby required to give a receipt for the money so paid to him, and for the offenders so brought and delivered to him.

Who shall deliver offenders, with the sums paid by sheriff, to the master contracting.

VI. And whereas in certain cases the grand-juries have a power of recommending convict felons to mercy, and such felons now are burnt in the hand and dismissed: be it further enacted by the authority aforesaid, That from and after the first day of March one thousand seven hundred and twenty nine such felons convict so recommended shall be either burned in the hand, or transported to the plantations in the common manner, at the discretion of the court or judge before whom such offender shall be convicted.

Felons recommended to mercy by grand jury, burned in the hand or transported, at discretion of the court.

VII. And be it further enacted by the authority aforesaid, That this act shall be publickly read in open court at the three next general assizes in every county of this kingdom after the commencement of this act.

To be read at 3 next assizes.

VIII. Provided that this act shall continue and be in force three years from the first day of May one thousand seven hundred and thirty, and to the end of the then next session of Parliament, and no longer.

Continuance 3 years, &c. *continued* 7 G. 2. 7. & 9 G. 2. 6. *as to transporting felons, &c. and the whole act by* 13 G. 2. 4. *& by* 29 G. 2. 8. *for* 21 *years, &c.*

CHAP.

A. D. 1729.

CHAP. V.

An act for continuing several temporary statutes made in this kingdom, and now near expiring, and for the amendment of other statutes therein mentioned.

WHEREAS in a Parliament held at Dublin the twelfth day of November in the year of our Lord one thousand seven hundred and fifteen, in the second year of the reign of our most gracious sovereign lord King George the first, an act was made and passed, intituled, *An act to make the militia of this kingdom more useful*, which said act was enacted to continue in force to the twenty fourth day of June one thousand seven hundred and eighteen, and from thence hath been continued by virtue of several other acts of Parliament to the first day of December one thousand seven hundred and twenty nine, and to the end of the then next session of Parliament, and no longer: and whereas an act passed in this kingdom in the fourth year of the reign of his said late Majesty, intituled, *An act for the preserving all such ships and goods thereof, which shall happen to be forced on shoar, or stranded upon the coasts of this kingdom*, hath been by several acts of Parliament from time to time continued, and was further continued by an act made in the tenth year of the reign of his said late Majesty for seven years from the twenty fifth of December one thousand seven hundred and twenty three, and from thence to the end of the then next session of Parliament, and no longer: and whereas an act passed in this kingdom in the sixth year of the reign of his said late Majesty, intituled, *An act for the more effectual preventing the running of goods, and for the further preventing frauds committed in his Majesty's customs*, hath been by several acts from time to time continued, and was further continued by an act made in the tenth year of the reign of his said late Majesty for seven years, from the twenty fifth day of December one thousand seven hundred and twenty three, and from thence to the end of the then next session of Parliament, and no longer: and whereas an act passed in this kingdom in the tenth year of the reign of his said late Majesty, intituled, *An act for regulating abuses committed in buying and selling of cattle and sheep in the several markets in this kingdom*, was continued by an act made in the twelfth year of the reign of his said late Majesty,

2 G. 1. 9. *Militia.*

4 G. 1. 4. *Wreck.*

6 G. 1. 8. *Custom & excise.*

10 G. 1. 10. *Cattle.*

A. D. 1729. Chap. 5.

jesty, to the first day of December one thousand seven hundred and twenty eight, and to the end of the then next session of Parliament, and no longer: and whereas an act passed in this kingdom in the twelfth year of the reign of his said late Majesty, intituled, *An act to prevent the fraudulent and clandestine importing of goods*, which act was to continue till the twenty fifth day of March one thousand seven hundred and twenty eight, and to the end of the then next session of Parliament, and hath been continued by an act made in the first year of the reign of his present gracious Majesty till the twenty fifth of March one thousand seven hundred and thirty, and to the end of the then next session of Parliament, and no longer; which said acts are now near expiring, but being found to be useful, are therefore fit to be continued; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That the said several acts herein before mentioned, and all and every clause, article, and proviso therein contained, shall be continued in full force, as they now stand, to all intents and purposes to the twenty fifth day of March, which shall be in the year of our Lord one thousand seven hundred and thirty seven, and from thence to the end of the then next session of Parliament, and no longer.

12 G. 1. 2 *Custom & excise.*

All said acts continued to 25 March 1737, &c.

II. And whereas an act passed in this kingdom in the fourth year of the reign of his said late Majesty, intituled, *An act for vesting in his Majesty, his heirs and successors, the several lands, tenements, and hereditaments, whereon the barracks in this kingdom are built or building, or contracted for, and whereon light-houses are or shall be built, and for making reasonable satisfaction to the several owners and proprietors for the same; and likewise for amending an act made in the sixth year of her late Majesty's reign*, intituled, *An act to prevent the disorders that may happen by the marching of soldiers, and for providing carriages for the baggage of soldiers in their march*; by which act certain powers are given to the lord lieutenant, and other chief governor or governors of this kingdom for the time being, to issue commissions under the great seal of this kingdom, to be executed and returned within the space of seven years from the twenty fifth day of December one thousand seven hundred and seventeen, with divers other powers, authorities, regulations, and provisions concerning barracks and light-houses, aud the building and erecting the same, and the lands whereon the same should be built, and the making contracts for such lands, and giving recompence to the owners thereof

4 G. 1. 7. *Barracks & light-houses.*

continued to 10 G. 1. 4.

of for the ſame, which powers were continued by an act made in the tenth year of the reign of his ſaid late Majeſty: and whereas the ſaid act has in that reſpect been found uſeful, and to anſwer the end propoſed thereby, and fit to be continued, and is now near expiring: be it enacted by the authority aforeſaid, That all the powers, authorities, regulations, and proviſions aforeſaid, and all and every article, clauſe, and proviſo in the ſaid act contained concerning batracks and light-houſes, or either of them, ſhall continue in force until the twenty fifth day of December, which ſhall be in the year of our Lord one thouſand ſeven hundred and thirty ſeven, and from thence to the end of the then next ſeſſion of Parliament, and no longer.

A. D. 1729. Chap. 5.

further continued, as to barracks and light-houſes, to 25 Dec. 1737, &c. *and by* 11 G. 2. 13. *to* 24 *June* 1758, *&c. and by* 29 G. 2. 8. *for* 21 *years, &c.*

III. And whereas in the laſt mentioned act, made in the fourth year of his ſaid late Majeſty's reign, no proviſion is made for any hoſpital for the ſick ſoldiers of his Majeſty's army: be it therefore enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the commiſſioners, appointed to execute the powers in the laſt mentioned act given, or any three or more of them, to take ſurveys of, and more particularly to deſcribe, aſcertain, abutt, and bound, the ground whereon any hoſpital is built or building for the ſick ſoldiers of his Majeſty's army, and to do every act and thing for determining and aſcertaining the yearly rent of ſuch ground for ever, which they are impowered to do with regard to the ground, whereon the barracks are built, by the laſt mentioned act, as effectually and fully as if the ſaid hoſpital or hoſpitals had been particularly mentioned in the ſaid act together with the barracks and light-houſes; any thing in the ſaid act, or any other act to the contrary, notwithſtanding.

No proviſion in 4 G. 1. 7. for hoſpitals for ſoldiers.

Commiſſioners therein may aſcertain ground, &c. for ſaid hoſpitals, as fully as if in ſaid act mentioned.

IV. And whereas an act paſſed the laſt ſeſſion of Parliament, which was in the firſt year of the reign of our preſent moſt gracious ſovereign King George the ſecond, intituled, *An act for regulating the price and aſſize of bread and the markets*; which was to continue for two years from the firſt day of June one thouſand ſeven hundred and twenty eight, and to the end of the next ſeſſion of Parliament after the ſaid two years: and whereas by experience the ſaid act is found to be extreamly uſeful, and is now near expiring: be it enacted by the authority aforeſaid, That the ſaid act, and every clauſe, article, and proviſoe therein contained, ſhall be continued, and be in full force to all intents and purpoſes, to the twenty fifth day of March, which ſhall be in the year of our Lord God one thouſand ſeven hundred and fifty one, and from thence to the end of the then next ſeſſion of Parliament, and no longer.

1 G. 2. 16. *Bread.*

continued to 25 March 1751. *and 4 years* 23 G. 2. 8. *expired.*

A. D. 1729. Chap. 5.

10 G. 1. 3. Watches, &c.

V. And whereas by an act made in the tenth year of the reign of his ſaid late Majeſty, intituled, *An act for continuing and amending an act, intituled, An act for the better regulating the pariſh-watches and amending the highways in this kingdom, and for the preventing the miſapplication of publick money; and alſo for eſtabliſhing a regular watch in the city of Dublin, and to prevent miſchiefs which may happen by graving ſhips in the river Liffy*, it is enacted, "That ſo much of the ſaid act made in the tenth year of his ſaid late Majeſty's reign, as relates only to the city of Dublin and the liberties thereunto adjoining, ſhall be in force for ſeven years from the firſt day of March in the year of our Lord one thouſand ſeven hundred and twenty three, and from thence-forth to the end of the then next ſeſſion of Parliament, and no longer:" and whereas the ſaid part of the ſaid act relating only to the city of Dublin and the liberties thereto adjoyning has been found to be very uſeful: be it further enacted by the authority aforeſaid, That ſo much of the ſaid act made in the tenth year of the reign of his ſaid late Majeſty, as relates only to the city of Dublin and the liberties thereunto adjoyning, ſhall be continued in full force to all intents and purpoſes to the twenty fifth day of March, which ſhall be in the year of our Lord one thouſand ſeven hundred and thirty ſeven, and from thence to the end of the then next ſeſſion of Parliament, and no longer.

continued as to Dublin and the liberties to 25 March 1737, &c. and by ſeveral ſtatutes, and by 1 G. 3. 17. revived, and continued 7 years, &c.

1 G. 2. 13. Sec. 1. Priſoners.

VI. And whereas by an act paſſed in the firſt ſeſſion of this preſent Parliament, intituled, *An act for explaining and amending ſeveral laws made for amending the highways and roads in this kingdom, and for the application of the ſix days labour*, it is enacted, "That no money ſhall be raiſed on any county or barony upon "any preſentment to be made at any general quarter-ſeſſions to "be held for any county except for the county of Dublin, and "the county of the city of Dublin, but for the uſe of the "houſes of correction and the keepers thereof," upon which clauſe ſome doubts have ariſen, whether the juſtices of the peace at the general quarter-ſeſſions, and the mayor, portreeve, ſovereign, ſheriffs, bailiffs, aldermen, and other head-officers of the cities, boroughs, places, and towns corporate, which be counties of themſelves, can tax and levy money for and towards the relief of priſoners, by force and virtue of the ſtatute for that purpoſe made in this kingdom in the eighteenth year of the reign of King Charles the ſecond, intituled, *An act for relief of poor priſoners*: to the intent therefore that the ſaid doubts may be explained, and for the better relief of poor priſoners; be it enacted by the authority aforeſaid, That from and after the firſt day of March one thouſand ſeven hundred and twenty nine no money

Doubts thereupon.

18 C. 2. 8.

No money ſhall be raiſed for poor priſoners but by preſentment

money ſhall be raiſed or levied in any county in this kingdom for relief of poor priſoners, but by preſentment of the grand-juries at the general aſſizes to be held for the ſaid reſpective counties, and at the quarter-ſeſſions to be held for the county of Dublin, and county of the city of Dublin; and that all ſums of money ſo to be raiſed for the uſe of the poor priſoners, and levyed according to the uſual methods of raiſing publick money, ſhall be by the reſpective treaſurers of the ſaid counties paid to the reſpective miniſters of the pariſhes, wherein the goals for ſuch counties are reſpectively kept, or in the abſence of ſuch miniſter to his curate; and the money ſo to be received by the ſaid miniſter or curate, or ſo much thereof as to them ſhall from neceſſity; ſhall be by them and the church-wardens of the ſaid pariſhes weekly diſtributed to or laid out in bread or other neceſſaries for the poor priſoners in the ſaid goals, who have no means to maintain themſelves, in ſuch proportion as to the ſaid miniſter or curate, and church-wardens, in their diſcretion ſhall ſeem fit and convenient; and that every of the ſaid miniſters or curates, and church-wardens, their reſpective executors and adminiſtrators, ſhall in open court at every general aſſizes to be held for the ſaid counties reſpectively, and at the quarter-ſeſſions to be held for the county of Dublin, and county of the city of Dublin reſpectively, make a juſt and true account upon oath of their receipts and payments; and if they or any of them ſhall refuſe the receipt of the ſaid money, and to pay and diſtribute the ſame, and to make a true account in manner and form aforeſaid, they ſhall reſpectively by the judge or judges of aſſize at their aſſizes, and juſtices of the peace at their quarter-ſeſſions to be held for the county of Dublin, and county of the city of Dublin, be fined in any ſum not exceeding the ſum of twenty pounds, to be levied and paid to the ſucceeding church-wardens for the uſe of the poor priſoners in the ſaid goals reſpectively.

of grand juries at aſſizes, and at quarter-ſeſſ. for Dublin,

paid by treaſurer to the miniſter or curate where the goal kept,

diſtributed by them and church-wardens weekly for poor priſoners,

Perſons who accounted for on oath at aſſizes, and ſeſſions in Dublin.

Penalty on refuſal, not above 20 l. to ſucceeding church-wardens, for poor priſoners.

II. Provided, That this act, or any thing therein contained, ſhall not extend to oblige any perſon or perſons to any office or employment already avoided by judgment of any of his Majeſty's courts of record, or filled up by other perſon: but that ſuch office or employment ſhall be and remain in the ſame manner as if this act had not been made.

CHAP.

CHAP. VI.

An act for allowing further time to persons in order to qualify themselves pursuant to an act, intituled, An act to prevent the further growth of popery.

WHEREAS several persons well affected to his Majesty's government, and the church of Ireland, as by law established, have through ignorance neglected, or have been prevented by sickness or other accidental cause, to take and subscribe the oaths, and to make and subscribe the declaration, and to receive the Sacrament of the Lord's Supper, according to the directions of an act made in this kingdom, in the second year of the reign of her late Majesty Queen Anne, intituled, *An act to prevent the further growth of popery*, and by their inadvertency may have incurred great penalties and forfeitures: be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That all and every person or persons, who have incurred any penalties and incapacities in the said act, intituled, *An act to prevent the further growth of popery*, mentioned, by neglecting to qualifie themselves according to the said act, shall be and are hereby indemnified, freed, and discharged of and from all incapacities, disabilities, forfeitures, and penalties incurred by reason of such omission or neglect as aforesaid; and that no act or acts done by them or any of them, or by authority derived from them or any of them, and not yet avoided, shall be questioned or avoided by reason of such neglect or omission; but all such acts shall be and are hereby declared and enacted to be as good and effectual, as if all and every such person and persons had taken and subscribed the said oaths, and received the said sacrament, and made and subscribed the said declaration in manner as aforesaid; any thing in the said act to the contrary notwithstanding: nevertheless so as such person or persons do and shall take and subscribe the said oaths, and receive the said sacrament, and make, repeat, and subscribe the said declaration, in such manner and form, and in such place and places, as are directed and appointed by the said act *to prevent the further growth of popery*, on or before the first day of August, which shall be in the year of our Lord one thousand seven hundred and thirty.

Persons who have incurred penalties by not qualifying according to 2 Anne. 6. indemnified:

their acts valid;

so as they take the oaths, &c. before 1 August 1730.

II. Provided, That this act, or any thing therein contained, shall not extend to restore or intitle any person or persons to any office or imployment already actually avoided by judgment of any of his Majesty's courts of record, or filled up by any other person: but that such office or imployment shall be and remain in the person or persons, who is or are now intitled by law to the same, as if this act had never been made.

Not to restore to office already avoided by judgment, &c.

CHAP.

A. D. 1729.

CHAP. VII.

An act for the better discovery of judgments in the courts of King's bench, Common pleas, and Exchequer at Dublin; and for the greater security of purchasers.

WHEREAS by an act made in the seventh year of the reign of his late Majesty King William the third of glorious memory, intituled, *An act for prevention of frauds and perjuries*, it was enacted, "That every judge or officer in his "Majesty's courts at Dublin, that should sign any judgment, "should at the signing the same set down the day of the month "and year of his so doing upon the paper-book, docket, or re-"cord, which he should so sign; which day of the month and "year should be also entered upon the margent of the roll of the "record where, the said judgment should be entered; and that "such judgments as against purchasers *bona fide* for valuable con-"siderations of lands, tenements, or hereditaments, to be charged "thereby, should, in consideration of law be judgments only "from such time, as they should be so signed:" and whereas great damage and inconveniency may happen not only to purchasers and mortgagees, but also to the heirs, executors, or administrators of persons deceased, by judgments entered upon record in his Majesty's courts at Dublin notwithstanding the said law, by reason of the difficulty there is in finding out such judgments, in regard that after the signing of such docket or record by any of the judges or barons of his Majesty's courts at Dublin, the plaintiff or his attorney do sometimes keep the docket or record so signed for a considerable time in his custody, before the same is brought to the proper court to be entered on record: for remedy whereof be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That from and after the twenty fourth day of June, which will be in the year of our Lord one thousand seven hundred and thirty, upon the docket or record of every judgment acknowledged before and signed by any judge or baron of his Majesty's court of King's bench, Common pleas, or Exchequer as aforesaid, as soon as the same is brought into the proper office to be entered of record, the officer, whose business it is to enter the same, shall upon such docket or record mark the day of the month and year, that the same is brought into

7 *Wil.* 3. 12. *Sec.* 10. & 11. recited.

Damage to purchasers, heirs, &c. by difficulty in finding out judgment; the docket when signed by the judge not being brought to be entered for a long time.

Upon the docket of judgment acknowledged and signed shall be marked the day of month and year on which brought to be entered,

A. D. 1729. Chap. 7.

into the office to be entered upon record; which day of the month and year ſhall alſo be entered upon the margent of the roll of the record, where the ſaid judgment ſhall be entered, as well as the day of the month and year when ſuch judgment was acknowledged before and ſigned by the judge.

and alſo entered on the margin of the roll.

Judgments, as againſt purchaſers or mortgagees *bona fide*, &c. only from ſuch time as brought to be entered and ſigned by the officer,

and not have preference againſt heirs, executors, &c. but from that time.

II. And be it further enacted by the authority aforeſaid, That ſuch judgments as againſt purchaſers or mortgagees *bona fide* for valuable conſideration of lands, tenements, or hereditaments, to be charged thereby, ſhall in conſideration of law be judgments only from ſuch time, as they ſhall be brought into the proper office to be entered of record, and ſigned by the proper officer on ſuch docket or record as aforeſaid, and ſhall not have any preference againſt heirs, executors, or adminiſtrators, in their adminiſtration of their anceſtors, teſtators, or inteſtates eſtates, but from the time aforeſaid; any law or ſtatute to the contrary notwithſtanding.

Judgment frequently not entered for ſome time after delivery to officer, or after rule made;

III. And whereas it frequently happens in his Majeſty's courts at Dublin, that dockets or records of judgments, after they are acknowledged and ſigned by a judge or baron, and delivered to the proper officer to be entred on record, are not entered for ſome time after ſuch delivery; and that during the term rules for judgment are frequently made, upon which no judgment is entered upon the roll of record for ſome time after ſuch rule is conceived; and of which dockets, records, and rules, unleſs judgment is entered upon the roll, the officer takes no notice, nor certifies any ſuch docket, record, or rules, to any purchaſer or mortgagee, who ſhall cauſe ſearch to be made for judgments, whereby ſuch purchaſer or mortgagee may be defeated of the benefit of his purchaſe or mortgage, in caſe judgment ſhall be afterwards entered upon the roll of record, before the purchaſe or mortgage is compleated: for remedy whereof be it further enacted by the authority aforeſaid, That from and after the ſaid twenty fourth day of June, which will be in the year of our Lord one thouſand ſeven hundred and thirty, the proper officer of every court ſhall make, or cauſe to be made, and put into an alphabetical docket by the defendants names an entry of all cognovits or judgments acknowledged before any judge or baron, and delivered into the office, and of all rules for judgments upon verdicts, writs of inquiry of damages, demurrer, and every other rule for judgment for debt or damages made or conceived in any term, before the firſt day of the ſucceeding term; which entry ſhall contain the name or names of the plaintiff and plaintiffs, defendant and defendants, his, her, or their place or places of abode, and addition, if any ſuch there be in the record, and the debt or damages recovered thereby; and when judgment is entered

no certificate thereof given on ſearch, and purchaſers thereby defeated.

4 & 5 *W. & M.* 20. *Eng.*

The officer ſhall enter in alphabetical docket judgment acknowledged and delivered, and rules for judgment on verdicts, &c. before the ſucceeding term,

containing names of parties, abodes, additions, and debt or damages.

entered upon the roll of record purſuant to ſuch dockets or rules, ſuch officer ſhall upon the margent of ſuch alphabetical docket mention the term, when ſuch judgment was entered; and that ſuch reſpective dockets ſhall be fairly put into and kept in books in the reſpective offices of the reſpective officers of his Majeſty's ſaid courts at Dublin, to be ſearched and viewed by all perſons at all reaſonable times. A. D. 1729.

and on margin thereof the term when judgment entered.

Said dockets kept in books in reſpective offices, to be ſearched.

IV. And whereas the clerks of the judgments of the ſaid reſpective courts are to be at charge and trouble in execution of this act: for recompence whereof be it enacted by the authority aforeſaid, That hereafter there ſhall be paid by the plaintiff or plaintiffs in every of the ſaid judgments upon verdicts, writs of inquiry, demurrer, and every other judgment by them reſpectively to be entred, over and above the fees now due for the ſame, the ſum of four pence, and no more.

Plaintiffs in ſaid judgments ſhall pay 4*d.* beſides fees now due.

V. Provided always, That this act ſhall continue and be in force for two years, and from thence to the end of the next ſeſſion of Parliament, and no longer.

Continuance 2 years, &c. *further by* 5 G. 2. 6. & 15 G. 2. 5. *and for* 11 *years, &c. by* 25 G. 2. 6. *from* 25 *March* 1753. &c.

CHAP. VIII.

An act to enable his Majeſty to purchaſe in the reſpective intereſts of the ſeveral perſons, intitled to the houſes and grounds adjoyning to the new Parliament-houſe.

WHEREAS by indenture, bearing date the fifth day of April one thouſand ſeven hundred and twenty nine, made, or mentioned to be made, between the right honourable Benjamin Parry of the city of Dublin eſquire, one of his Majeſty's moſt honourable privy council of the kingdom of Ireland, of the one part, and his moſt Sacred Majeſty George the ſecond, by the grace of God of Great-Britain, France, and Ireland, King, defender of the faith, &c. of the other part, the ſaid Benjamin Parry for the conſiderations therein mentioned did demiſe, grant, ſet, and to farm let, unto his ſaid Majeſty and his ſucceſſors all that parcel of ground in the ſuburbs of the city of Dublin, whereon the houſe commonly called Chicheſter-houſe ſtood, and wherein both houſes of Parliament lately ſat, and all houſes, meſſuages, out-houſes, yards, backſides, courts, and parcels of ground in a ſurvey to the ſaid leaſe annexed particularly laid down and deſcribed, together with all and ſingular the lights, ways, eaſements, rights, members, and appurtenances, to all and ſingular the ſaid demiſed premiſſes belonging, or in any wiſe appertaining, to have and to hold all and ſingular the ſaid thereby demiſed premiſſes, or meant, mentioned, or intended to be thereby demiſed, with their and every of their appurtenances, unto his ſaid Majeſty and his ſucceſſors without impeachment of waſte, and with full liberty to pull down all the houſes and out-houſes, and other buildings, which then were, or ſhould thereafter be built or erected on the premiſſes or any part thereof, except the houſes of the widow Burne, Mr. Brady, and Mr. Matthews, and Mrs. Lindſey, during only the continuance of their reſpective terms therein, and, after the expiration or other ſooner determination of the ſaid ſeveral

Recital of a leaſe 5 April 1729, by Benjamin Parry to the King, of the ground whereon the Parliament-houſe ſtands, for 9000 years, without impeachment of waſte, at the rent of 240 l. *per ann.* quarterly.

Saving for certain houſes during their leaſes.

ſeveral and reſpective terms; with the like liberty of pulling down the ſaid houſes of the ſaid widow Burne, Mr. Brady, Mr. Matthews, and Mrs. Lindſey, for and during and to the full end, term, time, and ſpace of nine thouſand years from the thirtieth day of April laſt paſt before the date thereof, and from thenceforth fully to be compleat and ended; his ſaid Majeſty and his ſucceſſors yielding and paying therefore and thereout yearly and every year during the ſaid term unto the ſaid Benjamin Parry, his heirs and aſſigns, the rent or ſum of two hundred and forty pounds *ſterling*, lawful money of Great Britain, by even and equal quarterly payments, viz. on every thirtieth day of July, thirtieth day of October, thirtieth day of January, and thirtieth day of April, during the ſaid term, clear rent, over and above all and all manner of taxes, charges, aſſeſſments, chimney or hearth-money, church, pariſh, and miniſters dues, and all other taxes, treaſury-fees, auditors fees, deductions, and impoſitions whatſoever, ordinary or extraordinary, charged or to be charged on the ſaid demiſed premiſſes, or any part thereof during the ſaid term: and whereas part of the aforeſaid premiſſes was granted by the right reverend doctor John Parry to Sir Henry Ford knight deceaſed in truſt for his late Majeſty King Charles the ſecond and his ſucceſſors for a certain term of years: and whereas his ſaid late Majeſty King Charles the ſecond, becoming poſſeſſed of the ſaid premiſſes by virtue of the ſaid laſt recited leaſe, by his letters patents under the great ſeal of Ireland, bearing date the ſeventeenth day of July in the twenty ninth year of his reign, did grant, ſet, and to farm let, unto William Robinſon eſquire, afterwards Sir William Robinſon knight, all thoſe out-grounds and gardens belonging to Chicheſter-houſe, except as therein excepted, for the term of ninety years at and under the yearly rent of twenty ſhillings *per annum* payable into his Majeſty's Exchequer, on part of which ground ſeveral houſes and tenements have been built: and whereas it is convenient, that the ſeveral intereſts of the perſons reſpectively deriving title under the ſaid term of ninety years in the ſeveral grounds and houſes thereon, which have been and are comprehended in and demiſed by the ſaid grant for ninety years, ſhould be purchaſed for the uſe and benefit of the publick: and whereas ſeveral infants, *femes covert*, and others incapable of conveying or contracting for their reſpective intereſts, are poſſeſſed of ſeveral of the ſaid houſes, tenements, and the grounds and appurtenances thereunto belonging, part of the premiſſes demiſed by the ſaid Benjamin Parry to his Majeſty as aforeſaid, for certain terms for years yet to come and unexpired: and whereas a committee of the houſe of commons, appointed this preſent ſeſſion of Parliament to view the inlets and approaches leading to the ſaid Parliament-houſe, and to conſider how the ſame may be made more convenient, have reported, that there is an old houſe and ſhed on the weſt of the great committee-room in Turnſtile-alley, adjoyning to the ſaid building, now in the poſſeſſion of Robert Freeman, which is neceſſary to be purchaſed and removed, and alſo that there is a brick houſe on the north of the ſaid building near adjoining thereto, in the poſſeſſion of one Nathaniel Barker, which greatly obſtructs the lights of the rooms of part of the ſaid building, whigh is neceſſary to be purchaſed in and removed; and likewiſe that there are five ſmall brick houſes built on a piece of ground adjoining the ſaid building, fronting to College-green, that are neceſſary to be purchaſed in and removed: and whereas the ſaid old houſe and ſhed, now in the poſſeſſion of the ſaid Robert Freeman in the ſaid report mentioned, and the ground and appurtenances thereunto belonging, are the eſtate and inheritance of the ſaid Benjamin Parry, and are not contained in the ſaid leaſe or demiſe to his Majeſty: to the end therefore that a good and ſufficient title in and to the ſeveral houſes and tenements, and the grounds and appurtenances thereunto belonging, may be made to his Majeſty and his ſucceſſors for and during the remainder of the ſaid term of nine thouſand years granted by the ſaid Benjamin Parry as aforeſaid, and that all juſt and reaſonable ſatisfaction may be given to the ſeveral and reſpective perſons intereſted in or intitled to the ſaid houſes, tenements, grounds, and appurtenances, for their reſpective titles

Part of the premiſes granted by Dr. John Parry for years in truſt for K. C. 2.

Letters patents 17 July 29 C. 2. to Sir Will. Robinſon for 90 years, at 20 s. rent;

ſeveral houſes built on the ground.

Convenient to purchaſe the ſeveral intereſts for the publick.

Perſons diſabled to contract poſſeſſed of part.

Report of committee, appointed this ſeſſion to view, of ſeveral houſes neceſſary to be purchaſed,

Part the eſtate of Benj. Parry, and not contained in ſaid leaſe:

that a good title may be made to the King,

and ſatisfaction to perſons intereſted,

titles and intereſts in and to ſuch grounds, houſes, tenements, and appurtenances: be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That it ſhall and may be lawful to and for the King's moſt excellent Majeſty, his heirs and ſucceſſors, as often as there ſhall be occaſion, by one or more commiſſion or commiſſions under the great ſeal of Ireland, to be executed and returned within the term of two years from and after the twenty fifth day of March one thouſand ſeven hundred and thirty to authorize and appoint any number of perſons to be commiſſioners to execute the powers therein after mentioned; which ſaid commiſſioners, or any three or more of them, are hereby authorized and required to make a ſurvey of ſuch houſes, tenements, and grounds, with all paſſages, ways, and appurtenances thereunto belonging; and the ſaid commiſſioners, or any three or more of them, are hereby further authorized and impowered to treat and agree with the owners and others intereſted in any of the ſaid houſes and tenements, grounds and appurtenances, for the purchaſe of their reſpective titles and intereſts in ſuch houſes or tenements, grounds and appurtenances, or for ſuch certain yearly rents to be paid for the ſame for ſuch time or term as they ſhall think fit and reaſonable, not exceeding in the whole the term of nine thouſand years from the thirtieth day of April one thouſand ſeven hundred and twenty eight; the ſaid purchaſe money to be paid, or the ſaid yearly rents to be paid, and payable half yearly or quarterly by his Majeſty, his heirs and ſucceſſors, unto ſuch owners, proprietors, and tenants, of ſuch houſes, grounds, tenements, and appurtenances reſpectively, their heirs, executors, adminiſtrators, and aſſigns, according to ſuch ſales, contracts, and agreements, and according to the ſeveral and reſpective eſtates and intereſts of ſuch owners, proprietors, and tenants of the ſaid houſes, tenements, grounds, and appurtenances, out of any of his Majeſty's treaſure and revenue, as is herein after enacted and appointed; and in caſe any perſon or perſons, bodies politick or corporate, eccleſiaſtical or civil, ſhall neglect or refuſe to treat or agree as aforeſaid, or through any diſability by nonage, coverture, or ſpecial limitation in any ſettlement or ſettlements, or by reaſon of any other impediment, cannot, or otherwiſe howſoever refuſe to, diſpoſe of their reſpective intereſts in ſuch houſes, tenements, grounds, and appurtenances, in every ſuch caſe the ſaid commiſſioners, or any three or more of them, are hereby authorized and required to iſſue forth their warrant or warrants to the ſheriffs of the county of the city of Dublin to impannel and return before the ſaid commiſſioners at ſuch times and places within the ſaid county of the ſaid city, as ſhall be appointed in ſuch warrant or warrants, a ſufficient jury of freeholders, who upon their oaths (which ſaid oaths the ſaid commiſſioners, or any three or more of them, are hereby impowered and required to adminiſter) ſhall enquire into the true value of the intereſts of ſuch perſon and perſons in and to ſuch houſes or tenements, grounds, and appurtenances, ways or paſſages, to be abſolutely ſold, and of the reſpective yearly values thereof to be let; and ſuch verdict or inquiſition, as ſhall be ſo found and returned by the ſaid jury, aſcertaining the value of ſuch houſe or tenement, grounds and appurtenances, ways, or paſſages to be ſold, or the yearly rent to be paid for the ſame, as alſo all ſuch contracts and agreements as the ſaid commiſſioners, or any three or more of them, ſhall make, ſhall be returned and certified to his Majeſty into the court of Exchequer by the ſaid commiſſioners, or any three or more of them, within thirty one days next after ſuch verdict or inquiſition found, or contracts or conveyances made thereof, to be entered among the records of the ſaid court; which ſaid contracts or agreements, verdicts or inquiſitions, ſhall be final and concluſive as well to his Majeſty, his heirs and ſucceſſors, as to the ſaid ſeveral and reſpective owners, proprietors, and tenants, notwithſtanding any diſability or incapacity whatſoever.

the King may appoint commiſſions to be executed in 2 years from 25 March 1730,

continued 1 year by 5 G. 2. 6. revived and continued to 25 March 1735, with further directions by 7 G. 2. 7.

to make ſurvey,

and treat with owners for purchaſe, or yearly rent,

and to iſſue warrants to ſheriffs, if any will not or cannot agree, to return a jury.

to inquire the value:

ſuch verdict, or agreement, ſhall be returned into Exchequer in 31 days:

and concluſive.

Commiſſioners ſhall give 31 days notice in writing,

fixed on the door of St. Andrew's church.

II. And to the intent that all and every perſon or perſons may have ſufficient notice of the proceedings of the ſaid commiſſioners; be it enacted by the authority aforeſaid, that any three or more of the ſaid commiſſioners ſhall give notice in writing thirty one days at leaſt before their iſſuing any ſuch warrant or warrants for the impannelling or returning any jury for aſcertaining and determining the real value of ſuch houſes, tenements, grounds, and appurtenances, or ſuch yearly rent; which writing ſhall be affixed on the door of the pariſh-church of St Andrews Dublin.

The like inquiry as to the ground demiſed to Sir Wm. Robinſon.

III. And whereas part of the ground demiſed by the ſaid letters patent to the ſaid Sir William Robinſon, and the houſes and tenements ſince built thereon, now are, or hereafter may be, neceſſary to be purchaſed in for the uſe of the publick, and of the ſaid new Parliament-houſe: and to the intent that all reaſonable ſatisfaction may be given to the reſpective proprietors thereof for their ſeveral intereſts therein: be it enacted by the authority aforeſaid, That any three or more of the ſaid commiſſioners by this act to be appointed are hereby authorized and impowered in manner herein before expreſſed to treat and agree with the owners and others intereſted in the ſaid laſt mentioned ground, houſes, and tenements; and in caſe ſuch owners or perſons intereſted therein ſhall refuſe to treat or agree with the ſaid commiſſioners, or through any diſability or impediment cannot diſpoſe of their reſpective intereſts therein, in every ſuch caſe the ſaid commiſſioners, or any three or more of them, ſhall inquire into the true value of ſuch of the ſaid laſt mentioned ground, houſes, and tenements, as they or any three or more of them ſhall judge neceſſary to be purchaſed for the purpoſe aforeſaid, in like manner as by this act they are impowered and directed concerning the premiſſes in this act before particularly mentioned.

The premiſes veſted in the King from time of payment, contract, or verdict, for the eſtate the contractors, &c. had, not exceeding 9000 years.

IV. And be it further enacted by the authority aforeſaid, That all and ſingular the ſaid grounds, houſes, tenements, and appurtenances, for which any ſuch contracts or agreements ſhall be ſo made, or verdict or inquiſition found according to ſuch ſurvey, and as the ſame ſhall be bounded and butted by the ſaid commiſſioners, or any three or more of them as aforeſaid, immediately after payment of ſuch ſum and ſums of money as ſhall be agreed to be paid for the purchaſe of the ſame, or contract entered into for payment of an annual rent, or in caſe of any perſons refuſal or diſability to convey to or contract with the ſaid commiſſioners as aforeſaid, then from the time of ſuch verdict or inquiſition found and returned into the Exchequer, ſhall be veſted in his Majeſty and his ſucceſſors for and during all ſuch eſtate, term, and intereſt, not exceeding the term of nine thouſand years, as any ſuch perſon ſo conveying to, or contracting with, or being diſabled to convey to or contract with the ſaid commiſſioners as aforeſaid, ſhall have in the premiſſes at the time of ſuch conveyance or contract, or of ſuch verdict or inquiſition reſpectively; any diſability or incapacity, or any law, ſtatute, or other matter or thing whatſoever, to the contrary notwithſtanding.

Purchaſe-money for the intereſts under Sir Wm. Robinſon's grant ſhall be paid by vice-treaſurer into Exchequer, where claims ſummarily and finally determined in or out of term, and the money paid.

V. And be it enacted by the authority aforeſaid, That all and every ſum or ſums of money, or other conſideration, that ſhall be agreed upon, or adjudged to be paid or given for ſuch intereſts, as are derived under the ſaid letters patents granted to the ſaid Sir William Robinſon, ſhall be by the vice-treaſurer of this kingdom immediately paid into and depoſited in his Majeſty's court of Exchequer in this kingdom; which court is hereby impowered in a ſummary way either in term or out of term upon the ſeveral petitions of the reſpective parties to hear, judge of, and determine, as well by examination of witneſſes upon oath, as by all other ways and means, which the ſaid court ſhall judge proper, the ſeveral rights, claims, and demands of all perſons intereſted into or upon the ſeveral grounds, houſes, tenements, and premiſſes, that ſhall be ſo brought in or valued, and to aſcertain and pay unto ſuch perſon and perſons reſpectively according to their ſeveral intereſts ſuch ſhare and proportion of ſuch purchaſe-money, as the ſaid court of Exchequer ſhall judge fit; which judgment in ſuch caſe ſhall be final and concluſive.

VI. And

VI. And to the intent that the ſeveral and reſpective owners, proprietors, and tenants of all ſuch houſes, tenements, grounds, and appurtenances, their ſeveral and reſpective executors, adminiſtrators and aſſigns, may be well and truly paid the purchaſe-money, ſo contracted and agreed for by the ſaid commiſſioners, or any three or more of them, and the yearly rents agreed for or aſſeſſed by verdict or inquiſition to be taken as aforeſaid; be it further enacted by the authority aforeſaid, That the ſaid yearly rents, ſo to be contracted for or aſſeſſed by ſuch verdict or inquiſition as aforeſaid, and alſo the ſaid rent of two hundred and forty pounds *per annum*, made payable by the ſaid firſt recited leaſe, ſhall be inſerted on the civil liſt of the preſent and all future eſtabliſhments of his Majeſty's expence of this kingdom, according to ſuch contracts, verdicts, and inquiſitions, and paid and payable unto ſuch owners, proprietors, and tenants, their ſeveral and reſpective heirs, executors, adminiſtrators, and aſſigns, according to their ſeveral and reſpective eſtates and intereſts in the ſaid ſeveral and reſpective houſes, tenements, grounds, and appurtenances, without any further warrant than this act, and without any deduction, defalcation, or abatement, for or on account of pelle, poundage, or other fees, charges, or deductions whatſoever; and that the treaſurer, vice-treaſurer, or receiver-general of this kingdom for the time being, and all other officers and miniſters concerned, ſhall in caſes, where the ſaid commiſſioners ſhall purchaſe ſuch houſes, tenements, grounds, and appurtenances, pay the ſaid purchaſe-money according to ſuch contracts and agreements, or otherwiſe; and alſo pay the ſaid yearly rents according to ſuch contracts, verdicts, or inquiſitions, from time to time yearly, half-yearly, or quarterly, as the ſaid rent ſhall be contracted for by the ſaid commiſſioners, or any three or more of them, or according as the ſame ſhall be aſſeſſed by ſuch verdict and inquiſition as aforeſaid, and alſo the ſaid yearly rent of two hundred and forty pounds *per annum* unto ſuch owners, proprietors, and tenants, their ſeveral and reſpective heirs, executors, adminiſtrators, and aſſigns, in manner and form aforeſaid, without any mandate or warrant from his Majeſty, his heirs or ſucceſſors, or any other perſon in that behalf to be procured, had, or obtained, according to the true intent and meaning of this act.

The yearly rents ſo contracted for, and the 240 l. rent, ſhall be inſerted on the civil liſt,

and paid without further warrant, charge, or deduction,

and the purchaſe-money ſhall be paid without warrant, &c.

VII. Provided always, and be it further enacted by the authority aforeſaid, That nothing herein contained ſhall any way impeach or prejudice, or be conſtrued, deemed, or taken, to impeach or prejudice, any former agreements, contracts, or conveyances, heretofore at any time made on behalf of his Majeſty for or concerning any houſes, ways, paſſages, inlets, or appurtenances, to the ſaid Parliament-houſe adjoining or appertaining, but that, during the continuance of ſuch agreements, contracts, or conveyances, the ſame ſhall continue, be, and remain in the ſame force and validity, as if this act had not been made; any thing herein contained to the contrary notwithſtanding.

Not to prejudice former agreements on behalf of the King.

CHAP.

A. D. 1729.

CHAP. IX.

An act for the further explaining and amending ſeveral ſtatutes for probibiting under ſheriffs and ſheriffs clerks from officiating as ſub-ſheriffs or ſheriffs clerks more than one year; and to render more effectual an act to prevent fees being taken in certain caſes; and to take away the pretended office of barony-clerk, and to oblige ſheriffs to appoint deputies for granting replevins; and alſo for diſcharging of priſoners unable to pay their fees.

Recital of 11 *Anne* 8. *Sec.* 2.

WHEREAS by an act made in the tenth year of the reign of Queen Anne, intituled, *An act for explaining and amending ſeveral ſtatutes for prohibiting under ſheriffs and ſheriffs clerks from officiating as ſub-ſheriffs or ſheriffs clerks more than one year*; it was enacted, "That no perſon whatſoever ſhould from "and after the ſixth day of November one thouſand ſeven hun- "dred and eleven be admitted into, or ſhould take on him, or "preſume to exerciſe, execute, or officiate by himſelf, or any under "him, or in truſt for him, or to his uſe, the office or duty of an "under ſheriff, ſheriffs clerk, or county clerk, in any county or "county of a city or town within this kingdom, who had within "the ſpace of three years next before his admiſſion therein exe- "cuted, officiated, or exerciſed, either or any of the ſaid offices "or duties within the ſaid county or county of a city or town; "and if any perſon or perſons ſhould after the ſaid ſixth day of "November one thouſand ſeven hundred and eleven offend there- "in, he ſhould forfeit and pay for every ſuch offence the ſum of "five hundred pounds, to be recovered in any of her Majeſty's "Four courts of Dublin, wherein no eſſoin, priviledge, protection, "or wager of law, ſhould be allowed, or any more than one im- "parlance granted; the one moiety thereof to be applyed to the "uſe of the work-houſe or houſe of correction of ſuch county, "or county of a city, wherein ſuch offence ſhould be committed; "the other moiety to be applyed to the uſe of him, her, or them, "that ſhould ſue for the ſame in any of her Majeſty's Four courts "at Dublin, by action of debt, bill, plaint, or information, "grounded on the ſaid ſtatute; any law or ſtatute to the contrary "notwithſtanding; unto which ſaid action the judge or judges "of the court, wherein the ſame ſhould be brought, ſhould and "were thereby required, upon affidavit made of ſuch offence, to

"hold

" hold and oblige the defendant to give in ſuch action good and " ſufficient bail to the ſaid action, and likewiſe, if judgment ſhould " be given againſt the defendant, he ſhould and was thereby " deemed, and adjudged, and made for ever incapable of acting as " under ſheriff, ſheriffs clerk, or county clerk, in any county, " county of a city or town;" and whereas no penalty is inflicted by the ſaid act on ſuch perſon or perſons, as ſhall act or officiate in truſt for or to the uſe of ſuch under ſheriff, ſheriffs clerk, or county clerk, or upon ſuch high ſheriff or high ſheriffs as ſhall nominate or appoint ſuch perſon or perſons, under ſheriff, ſheriffs clerk, or or county clerk, as is to act or officiate in truſt for or to the uſe of ſuch under ſheriff, ſheriffs clerk, or county clerk; and whereas the ſaid act has hitherto proved ineffectual for want of proof ſufficient to convict the offenders againſt the ſame, by reaſon of the ſecrecy with which ſuch practices are managed and carried on, and that, as the law now ſtands, the parties guilty thereof are not compellable to diſcover or confeſs the ſame, or any thing relating thereto: for remedy whereof be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and every perſon or perſons, who ſhall from and after the firſt day of March in the year of our Lord one thouſand ſeven hundred and twenty nine act or officiate as under ſheriff, ſheriffs clerk, or county clerk, in truſt for or to the uſe of any perſon or perſons, whom he or they ſo acting or officiating ſhall know to have been under ſheriff, ſheriffs clerk, or county clerk of the ſame county, county of a city or town, within three years next before, and all and every high ſheriff, or high ſheriffs, who ſhall nominate or appoint ſuch perſon or perſons, under ſheriff, ſheriffs clerk, or county clerk, knowing that ſuch perſon or perſons is or are intended to act in the ſaid office in truſt for or to the uſe of ſuch under ſheriff, ſheriffs clerk, or county clerk as aforeſaid, ſhall and are hereby made liable to the ſame penalties, and to the ſame remedy for recovery thereof, as by the ſaid act are given againſt ſuch under ſheriff, ſheriffs clerk, or county clerk; and that any perſon or perſons may prefer one or more bill or bills in the court of Chancery, or court of Exchequer, againſt any high ſheriff, under ſheriff, ſheriffs clerk, or county clerk, and all and every perſon or perſons, who ſhall act or officiate in truſt for or to the uſe of ſuch under ſheriff, ſheriffs clerk, or county clerk, or ſhall be any way concerned therein, or privy thereto, to compel ſuch high ſheriff, under ſheriff, ſheriffs clerk, or county clerk, and all and every ſuch perſon or perſons as is aforeſaid, to diſcover ſuch truſts, and to

No penalty thereby on perſons acting in truſt for under ſheriff, &c. or on high ſheriff nominating:

Inſufficiency of ſaid act for want of proof.

Perſons acting as under ſheriff, ſheriff's or county clerk, in truſt for one, whom they know to have been ſo within 3 years for ſame county,

and high ſheriffs nominating them knowing, &c.

liable to ſame penalties as under ſheriff, &c. by 10 *Anne* 8. 29 *G.* 2. 15.

Bills may be filed to compel diſcovery of ſuch truſt:

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answer all matters relating thereto, as by such bill or bills shall be required to the discovery sought; to which bill or bills no plea or demurrer shall be allowed, but the defendant or defendants shall answer the same at large upon oath; which answer or answers shall be good evidence against the defendant or defendants respectively making the same in any action or actions, or information or informations, to be brought from and after the said first day of March one thousand seven hundred and twenty nine upon this or the said recited act; any law, statute, custom, or usage, in any wise to the contrary notwithstanding: provided that, if such bill or bills appear to be vexatious, the said court or courts shall dismiss the same with full costs, to be taxed and levied as in other cases is usual.

to which no plea or demurrer,

Answer evidence against respective defendants.

If vexatious, bill dismissed with full costs.

II. And whereas an act passed in this kingdom in the fourth year of the reign of her late Majesty Queen Anne, intituled, *An act to prevent fees being taken in certain cases*, it was enacted, "That no fees should be demanded or received from any person, "against whom any bill of indictment should be preferred, and "returned *ignoramus* by the grand jury, for drawing or ingrossing "of such bill of indictment, or for the juries verdict of *ignoramus* "thereon, under certain penalties therein mentioned:" yet nevertheless great fees have been since taken for recognizances, and discharging the person, against whom such bills so returned *ignoramus* have been preferred, contrary to the intent and meaning of the said act: for remedy whereof be it enacted by the authority aforesaid, That from and after the first day of May one thousand seven hundred and thirty no fee or fees, sum or sums of money, shall be demanded or received by any sheriff, sub-sheriff, clerk of the crown, clerk of the peace, their deputy or deputies, or any other person whatsoever, for or on account of any bill or judgment, that shall be returned *ignoramus* by the grand jury, from any person or persons, as to whom the said bill shall be so returned, or on account of any recognizance, discharge, or on any other pretence whatsoever relating to such bill, judgment, recognizance, or discharge; and if any such officer or officers, his or their deputy or deputies, or any other person whatsoever, shall offend herein, he or they shall forfeit for every such offence to every person aggrieved thereby the sum of twenty pounds, to be recovered by action of debt in any of his Majesty's Four courts in Dublin; wherein no essoin, priviledge, protection, or wager of law, shall be allowed, or by civil bill, in such manner as small debts are appointed to be recovered, with costs of suit.

Recital of 4 *Anne* 10.

No fees on bill or judgment returned *ignoramus*, or on any pretence relating thereto.

Penalty 20*l.* to the party, by action of debt, or civil bill,

with costs.

III. And whereas several sheriffs in several counties in this kingdom have of late years taken upon them to appoint several

obscure

obſcure and indigent perſons to exerciſe a pretended office, called the office of barony-clerk, in the ſeveral baronies of their ſeveral and reſpective counties, which perſons when ſo appointed have taken upon them to hold courts within ſuch barony, in ſuch manner as the high ſheriff or his deputy-ſheriff is impowered by law to do in his county, to the great oppreſſion of his Majeſty's ſubjects in the ſeveral counties where ſuch barony clerks are appointed, and contrary to the known rules of law; be it therefore enacted by the authority aforeſaid, That no ſheriff within any county of this kingdom ſhall from and after the firſt day of May in the year of our Lord one thouſand ſeven hundred and thirty appoint any perſon or perſons whatſoever to be a barony-clerk within his county, and in caſe of ſuch appointment, that no perſon whatſoever ſhall take upon him to hold any court, or exerciſe any power or authority whatſoever under colour thereof; and if any ſheriff in any county of this kingdom ſhall from and after the ſaid firſt day of May in the year one thouſand ſeven hundred and thirty offend herein, he ſhall forfeit and pay for every ſuch offence the ſum of fifty pounds; which ſaid ſum of fifty pounds ſhall and may be recovered by action of debt in any of his Majeſty's Four courts in Dublin; wherein no eſſoin, priviledge, protection, or wager of law, ſhall be allowed, by any perſon or perſons who ſhall ſue for the ſame; and if any perſon ſhall from and after the ſaid firſt day of May in the year of our Lord one thouſand ſeven hundred and thirty take upon him to exerciſe the ſaid pretended office of barony-clerk, upon information given thereof upon oath unto any juſtice of the peace of the county, within which he ſhall ſo exerciſe the ſame, ſuch juſtice of the peace ſhall upon ſuch information, unleſs ſufficient bail ſhall be given by ſuch offender, commit him to the county-goal, there to remain until the next aſſizes to be held for the ſaid county; where, if he ſhall be convicted of ſuch offence, the judge or judges of aſſize, before whom he ſhall be ſo convicted, ſhall forthwith commit him to the ſaid county-goal for three months, and ſhall alſo fine him for ſuch offence in a ſum not exceeding fifty pounds *ſterling*.

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Oppreſſion by barony clerks.

No ſheriff ſhall appoint a barony clerk,

nor any one act under colour thereof.

Penalty on ſheriff 50 l.

Perſon acting to be committed on information on oath by a juſtice till aſſiſes, unleſs ſufficient bail.

if then convicted, committed 3 months, and fined not above 50 l.

IV. Provided always, and be it enacted by the authority aforeſaid, That the ſheriff for the time being of every county, not being a city, ſhall within one month after the firſt day of May one thouſand ſeven hundred and thirty, and hereafter within one month after his entering upon his office, appoint four deputies at the leaſt in the moſt convenient places of the county, who ſhall have authority in the ſheriff's name to grant replevins, and make deliverance of all diſtreſſes, in ſuch manner and form as the ſheriff may and ought to do; upon pain that every ſheriff for every month, during

Sheriff in every county (not being a city) ſhall in a month appoint 4 deputies, to grant replevins and make deliverance, 10 *C.* 1. 25. *ſeſſ.* 2.

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during which he shall not have four such deputies, shall for every such offence forfeit the sum of ten pounds to such person or persons, as shall first sue for the same, to be recovered by civil bill in the same manner as small debts are recovered.

Penalty 10 l. per month, to prosecutor, by civil bill.

V. Provided always, That no sheriff or sub-sheriff, or any person for his or their use, shall take or receive any fee, sum or sums of money, gratuity or reward, for or on account of appointing any deputy or deputies to grant replevins as aforesaid; and in case any such sheriff or sub-sheriff, or other person or persons, shall take or receive any fee, sum or sums of money, gratuity or reward, for or on account of appointing such deputy as aforesaid, then and in every such case such sheriff or sub-sheriff shall forfeit the sum of fifty pounds, to be recovered by such person or persons, who shall first sue for the same by action of debt, bill, plaint, or information, in any of his Majesty's Four courts in Dublin; wherein no essoin, protection, or wager of law, shall be allowed, nor more than one imparlance granted; one moiety thereof to his Majesty, his heirs and successors, and the other moiety to the informer.

Sheriff, &c. shall take no fee on that account.

Penalty 50 l. to King and informer.

VI. And whereas several persons are from time to time continued in the several county-goals of this kingdom for not paying such fees, as are due from him to the high sheriff, deputy sheriff, goaler, clerk of the crown, or clerk of the peace, his or their deputy or deputies, which fees many of them are utterly unable to discharge, and yet they remain in goal, and are maintained by the several counties, to which such goals belong, which is a great burthen and expence to his Majesty's subjects in such counties: be it therefore enacted by the authority aforesaid, That from and after the first day of March in the year of our Lord one thousand seven hundred and twenty nine the judges of assize in this kingdom, or any of them, in their respective circuits, commonly called the Lent and Summer assizes, shall from time to time inquire, what persons remain in goal in the several counties within their circuits meerly for fees due by them to the high sheriff, deputy-sheriff, goaler, clerk of the crown, and clerk of the peace, or his or their deputy or deputies, or any of the persons aforesaid; and, upon such inquiry and a representation of the grand jury of such county that such person or persons are not able to pay his or their fees, shall forthwith discharge such person or persons out of the said several goals, as upon due examination of their circumstances they shall find unable to pay or discharge such fee or fees.

Judges of assize shall inquire of prisoners meerly for fees, and, on representation of grand jury of inability to pay, discharge them.

VII. And be it further enacted by the authority aforesaid, That so much of this act, as relates to the preferring of any bill or bills in

in the courts of Chancery or Exchequer, for the diſcovery of any offence againſt this act or the ſaid act of the tenth year of the reign of her late Majeſty Queen Anne, and as obliges any perſon to anſwer the ſame at large without pleading or demurring thereto, ſhall be and continue in force to the firſt day of March, which ſhall be in the year of our Lord one thouſand ſeven hundred and thirty three, and from thence to the end of the then next ſeſſion of Parliament, and no longer.

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ſo much as relates to filing bills of diſcovery to continue to 1 Mar. 1733, &c. *continued* 7 *G.* 2. 7. 19 *G.* 2. 15. 21 *G.* 2. 7. 23 *G.* 2. 8. 1 *G.* 3. 17. *for* 7 *years, &c. from* 1 *May* 1762.

CHAP. X.

An act for explaining and amending an act, intituled, *An act to prevent the diſorders, that may happen by the marching of ſoldiers, and for providing carriages for the baggage of ſoldiers in their march.*

WHEREAS by an act of Parliament made in this kingdom in the ſixth year of the reign of her late Majeſty Queen Anne, intituled, *An act to prevent the diſorders that may happen by the marching of ſoldiers, and for providing carriages for the baggage of ſoldiers in their march*; it is enacted, "That for every "wheel-carr two pence *per* mile, and for every ſlide-carr one "penny *per* mile, ſhall be paid to the owner for ſuch reſpective "carriages, or his ſervant, by the officer or perſon who ſhall re-"quire ſuch carriage; and that no wheel-carr or carriage ſhall be "laden with above four hundred pounds weight, nor any ſlide-"carr with above two hundred weight; and that no owner of "ſuch carriage ſhall be compelled to take any lading, or be forced "to proceed in the march, until he be paid down in hand the "aforeſaid ſums:" and whereas it hath been found by experience, that the aforeſaid rates are not a ſufficient ſatisfaction to the owner of ſuch carriages, by reaſon the price of corn and other proviſions hath been raiſed and increaſed in this kingdom ſince the making the ſaid act; and it being alſo found by experience, that neither ſuch officer or other perſon requiring ſuch carriage do weigh, or order the goods ſo laden to be weighed, but often over-load the horſes drawing ſuch carriage: to the intent therefore that full recompence may be made to the owner of ſuch carriage ſuitable to the expence, and that the ſaid goods may be duly weighed, ſo as the owner of ſuch carriage may not be compelled to carry above the weight aforeſaid; be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent

6 *Anne* 14. *Sec.* 5.

Rates therein not ſufficient:

that full recompence may be made to owners of carriages, and the goods duly weighed:

A.D. 1763.

CAP. I.

preſent Parliament aſſembled, and by the authority of the ſame, That from and after the twenty-fifth day of March in the year of our Lord one thouſand ſeven hundred and ſixty-three no owner of ſuch carriage ſhall be compelled to take any loadings on the ſeveral roads with the reſpective carriages, until ſuch time as the officer or other perſon, who ſhall require ſuch carriage, ſhall pay down in hand to the owner of ſuch carriage, or his ſervant, the ſums hereafter mentioned: (that is to ſay) for every mile reputed mile they are to march the ſum of three pence for every wheel-carr, and the ſum of one penny halfpenny for every ſlide-carr; which ſum or ſums, ſo to be advanced and paid by ſuch officer, ſhall be repaid to ſuch officer by the paymaſter-general or vice-treaſurer of this kingdom for the time being without fee or reward, on oath made by ſuch officer before one of his Majeſty's juſtices of the peace, or the chief magiſtrate of any city or town corporate, of his having paid ſuch ſum or ſums for carriage as aforeſaid; nor ſhall the owner of ſuch carriage be compelled or obliged to take any loading, until the ſame ſhall be firſt duly weighed at the expence of the owner or owners of ſuch carriage, if he or they ſhall think fit, and the ſame can be done in a reaſonable time, without let or hindrance of his Majeſty's ſervice; and if the officer or other perſon requiring ſuch carriage ſhall force or compel the owner of ſuch carrs or carriage to take any loading, until the ſame ſhall be firſt duly weighed, if the ſame can be done in a reaſonable time without let or hindrance of his Majeſty's ſervice, or ſhall contrary to the will of the owner of ſuch carr or carriage, or his ſervant, put, or permit any ſoldier or other perſon or perſons whatſoever to put, any greater load upon any carr or carriage, than as is herein before directed, either at the time of loading or in the march, every ſuch officer ſhall for every ſuch offence forfeit the ſum of ten ſhillings, proof thereof being firſt made upon oath before one of his Majeſty's juſtices of the peace for the ſame county, or the chief magiſtrate of the place where ſuch offence ſhall be committed, who are to make certificate thereof to the paymaſter-general of his Majeſty's forces in this kingdom, who is hereby required to pay the ſame to the party injured, or other perſon producing the ſaid certificate, and to deduct the ſame out of the pay of ſuch officer.

3 d. every mile every wheel, 1 ½ halfpenny every ſlide-car ſhall be firſt paid down.

repaid to officer by vice-treaſurer on oath before a magiſtrate.

Owner of carriages not obliged to take loading till weighed, at his expence, if without hindrance to the ſervice.

If owner compelled thereto, or a greater weight than aforeſaid is put on, penalty to the party 10 s. on proof before a magiſtrate, on whoſe certificate deducted out of officer's pay.

6 *Anne* 14. *Sec.* 7.

II. And whereas it is by the ſaid recited act provided, "That "if by the negligence of the conſtables in the ſaid act mentioned "the officer, or other perſon requiring ſuch carriage, ſhould be "neceſſitated to take the ſaid carriage another day's march, he "ſhould pay the owner of the ſaid carriage the rates in the ſaid "act mentioned:" be it therefore further enacted by the authority aforeſaid,

If carriages forced above 1 day's march, 3 d. *per* mile, and one penny halfpenny ſhall be advanced, on

aforesaid, That if such officer or other person requiring such carriage shall compel or force the said carriage to travel or go more than one day's march, such officer or other person shall for every mile or reputed mile the said carriage shall be compelled to march, beside what shall be paid for the said first day, pay the sum of three pence *per* mile for every wheel-carr, and for every slide-carr the sum of one penny halfpenny *per* mile; which sum or sums, so to be advanced and paid for such further march, shall be repaid to such officer by such person and in such manner as the sums are to be paid by the said recited act for the first day's march; and if such officer or person requiring such carriage shall neglect or refuse to pay down to the owner of such carriage the sums hereby appointed to be paid for such further day's march, he and they shall forfeit the sum of twenty shillings *sterling*, to be paid to the person injured on such proof and in such manner as is herein before appointed.

Pain of 20 s. and to be repaid, as aforesaid.

III. And whereas it is by the said former act enacted, "That "no country-carrs or carriages coming to the market of the city "of Dublin, should be detained or employed in carrying such "baggage on any pretence whatsoever:" and whereas several farmers and carriers coming to the respective markets of this kingdom from places at a great distance, and remote from such markets, have been taken, detained, and employed in carrying such baggage, to their great loss, and the discouragement of trade, by reason the provision made in and by the said former act was thereby confined to the markets of the city of Dublin: for remedy whereof be it enacted by the authority aforesaid, That from and after the said twenty fifth day of March, which will be in the year of our Lord one thousand seven hundred and thirty, no carr or carriage coming to any of the markets of this kingdom shall be detained or employed in carrying such baggage on any pretence whatsoever.

6 *Anne* 14. sec. 6.

No carr or carriage coming to any market shall be detained or employed.

IV. And be it further enacted by the authority aforesaid, That all and every the clauses, powers, and authorities, contained in the said first before mentioned act, other than such clauses and parts thereof as are hereby repealed or altered, shall remain in force, and shall be executed, observed, and performed, according to the true intent thereof.

6 *Anne* 14. except as hereby altered, shall be in force.

CHAP.

A. D. 1729.

CHAP. XI.

An Act for the better keeping churches in repair.

Neceſſity of epiſcopal union,

the church appointed ſuffered to go to ruin, as no inhabitant compellable by law to repair, except the pariſh church where he dwells, &c.

WHEREAS in divers parts of this kingdom of Ireland, and more eſpecially within the provinces of Leinſter, Munſter, and Conaught, there are many pariſhes, the income whereof is ſo ſmall as not to afford a ſupport reſpectively to a diſtinct curate or incumbent, and the inhabitants whereof are ſo few in number and ſo poor as not to be able to build up or repair their reſpective pariſh-churches, and the joining of ſuch pariſhes in a perpetual union is in many caſes found to be impracticable, ſo that for the preſent remedying of this inconvenience divers archbiſhops and biſhops are under a neceſſity of uniting by an archiepiſcopal or epiſcopal union two or more of ſuch pariſhes, as are contiguous, under one incumbent or curate, and appointing one church or chappel within ſuch united pariſhes to be the place of publick worſhip for all the inhabitants dwelling within the ſame: and whereas no ſuch inhabitant can by law be compelled to contribute to the repair of any pariſh-church, excepting only that of the pariſh wherein he dwells or occupies land; by reaſon whereof the churches or chappels ſo appointed for many ſuch united pariſhes reſpectively are ſuffered to go to ruin, to the great diſhonour of God, and diſcouragement of his publick worſhip: for remedy whereof be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That wherever any ſuch archiepiſcopal or epiſcopal union of contiguous pariſhes under one incumbent or curate is already made, or ſhall hereafter be made, by any archbiſhop or biſhop within his own reſpective dioceſs, the inhabitants or occupiers of land within each and every of ſuch united pariſhes reſpectively ſhall be obliged to contribute towards the repair of the church or chappel ſo appointed, or to be appointed, for publick worſhip within the ſaid united pariſhes, and to the providing all neceſſary charges belonging to ſuch church or chappel, as if ſuch united pariſhes were one entire pariſh, and the church ſo appointed the pariſh-church of the ſame; and that two church-wardens may every year be choſen for ſuch united pariſhes reſpectively, and have the like office and power within the ſame, as other church wardens by law have in their ſeveral and reſpective pariſhes.

On epiſcopal union of contiguous pariſhes, inhabitants or occupiers of land ſhall contribute to repair of and charges for the church appointed, as if one entire pariſh, and that the pariſh church;

and two church-wardens, with like powers as others.

II. Pro-

A. D. 1729. Chap. 11.

II. Provided always, That if the pariſhioners of any ſuch united pariſh ſhall at any time build up or ſufficiently repair the pariſh-church of their ſaid pariſh, then and from thenceforth neither they, nor any of them, ſhall by virtue of this preſent act be compelled to contribute towards the repairing of any other church or chappel within the ſaid united pariſhes, excepting that of the particular pariſh to which they immediately belong; and the church or chappel, appointed as is before mentioned for the ſaid united pariſhes, ſhall from thenceforth be kept in repair by the reſt of the pariſhioners of the ſaid united pariſhes, in like manner as is herein before enacted, as if this act had never been made.

But if at any time they repair their pariſh-church, not compellable to repair any other.

III. And whereas great difficulties have been found in collecting pariſh-ceſſes, after they have been made and agreed upon in veſtry, for the repair of pariſh-churches, chappels, and other neceſſary charges belonging to ſuch church or chappel within this kingdom, upon pretence that ſuch ceſſes have not been duly and equally applotted upon the reſpective inhabitants of ſuch pariſhes: and whereas church-wardens are often remiſs in collecting ſuch ceſſes, when duly made and applotted, and many times neglect or refuſe to account for the ſame at the expiration of their office, by means whereof ſeveral pariſh-churches have continued ſeveral years out of repair: be it enacted by the authority aforeſaid, That from and after the twenty fifth day of March one thouſand ſeven hundred and thirty all and every pariſh-ceſs or tax, that ſhall be made, raiſed, or agreed upon at any veſtry held for any pariſh in this kingdom for the repair of the pariſh-church or chappel, or other neceſſary charges belonging to ſuch church or chappel, ſhall in ten days, after the ſame is ſo agreed upon, be equally and fairly applotted upon the reſpective inhabitants of ſuch pariſh by the church-wardens, or other perſons appointed for that purpoſe by the major part of the proteſtant pariſhioners in veſtry aſſembled; which applotment when made ſhall be returned to the miniſter of the pariſh, who, the firſt Sunday after he hath received the ſame, ſhall after divine ſervice in the morning give publick notice thereof, as alſo of a veſtry to be held in ten days after ſuch notice, in order to have the ſaid applotment examined into; at which veſtry ſo ſummoned as aforeſaid the major part of the proteſtant inhabitants there aſſembled ſhall have full power to hear all parties, who ſhall object to the ſaid applotment, and to make ſuch alterations and amendments as to them ſhall ſeem juſt and reaſonable, and then finally to ſettle and aſcertain the ſame; and, after the ſame is ſo ſettled and aſcertained, they ſhall cauſe two diſtinct parts or tranſcripts thereof to be made, each to be ſubſcribed by the miniſter, church-wardens, and three of the proteſtant

Difficulties in collecting pariſh ceſſes, for repair of the church:

Remiſſneſs of church-wardens.

Such ceſs ſhall in 10 days be equally applotted,

Applotment returned to the miniſter, who ſhall give notice of veſtry in 10 days to examine it.

when finally ſettled, 2 tranſcripts ſhall be made, ſubſcribed by the miniſter, church-wardens, and 3 proteſtants:

A. D. 1729. Chap. 11.

teſtant pariſhioners then preſent; one part whereof ſhall remain with the miniſter and pariſhioners, and the other ſhall be delivered to the church-wardens, who ſhall with all convenient expedition proceed to collect and levy the ſame, to be applied to the uſes for which it was ordered: and if ſuch church-wardens ſhall wilfully neglect or refuſe to collect, or cauſe to be collected, any pariſh-tax or ceſs, ſo applotted and aſcertained as aforeſaid, or at the expiration of their office ſhall refuſe or neglect to account for the ſame in any veſtry to be held for that purpoſe, of which ten days notice ſhall be given in ſuch church or chappel immediately after divine ſervice in the morning; that then it ſhall and may be lawful to and for the ſucceeding church-wardens to ſue for and recover from the ſaid church-wardens, ſo refuſing or neglecting to collect or account as aforeſaid, all and every the ſum and ſums in the ſaid applotment contained; or if after an account ſtated in manner aforeſaid any ſuch church-warden ſhall after a demand made refuſe or neglect to pay the ballance of ſuch account remaining in their hands to the ſucceeding church-wardens, then it ſhall and may be lawful to and for the ſucceeding church-wardens to ſue for and recover from the ſaid church-wardens ſo refuſing or neglecting to pay the ballance, that ſhall on ſuch account appear to be in their hands, all and every ſuch reſpective ſums in caſes, where the ſame do not exceed twenty pounds, to be ſued for and recovered by civil bill at the general aſſizes to be held for the county, where ſuch pariſh-church or chappel is, or where ſuch pariſh-church or chappel is within the city or county of Dublin at the general quarter-ſeſſions to be held for the ſaid city or county, and in caſes where any ſuch ſum exceeds twenty pounds, the ſame to be ſued for and recovered by action of debt, bill, or plaint, in any of his Majeſty's Four courts of Dublin.

Church-wardens to proceed to collect,

on neglect, or not accounting in veſtry of which 10 days notice, or not paying the ballance, to be ſued by ſucceeding church-wardens.

by civil bill, where not above 20l.

IV. And be it further enacted by the authority aforeſaid, That in ſuch ſuit or action the aforementioned applotment ſubſcribed by the miniſter, church-wardens, and three pariſhioners, ſhall be ſufficient evidence to charge the defendants in the ſaid ſuits or actions with the ſeveral ſums contained in the ſaid applotment; and that the account ſtated as aforeſaid ſhall be admitted as ſufficient evidence to charge the defendants in ſuch ſuit or action with the ballance of ſuch account.

Applotment ſubſcribed, and account ſtated, evidence to charge defendants.

V. Provided always, and be it enacted by the authority aforeſaid, That if any ſuch church-warden or church-wardens, refuſing to account as aforeſaid, ſhall after judgment obtained againſt him or them, and payment made as aforeſaid, apply to the miniſter and ſucceeding church-wardens to be admitted to account, then and in ſuch caſe the ſaid miniſter, church-wardens, and pariſhioners

After judgment againſt church-wardens for refuſing to account, and payment, they ſhall be admitted to account in veſtry,

parishioners in vestry assembled shall and are hereby obliged to take such account, and such succeeding church-wardens shall and are hereby obliged to pay back all such sums as the church-warden or church-wardens so accounting shall upon such account prove to have been applied to the use of the parish, and also such sums as, he or they can make appear upon oath, could not be collected by reason of the poverty or other circumstances of the parties, upon whom they were applotted; which oath any of his Majesty's justice of the peace for the city, or county, or county of the city, where such parish-church or chappel lies, are hereby authorized and required to administer; and if the said church-warden or church-wardens so accounting shall find him or themselves aggieved by the determination of the said minister, succeeding church-wardens, and parishioners, upon taking such account, then he or they shall and may complain or appeal to the justices of the peace at the next general quarter-sessions to be held for the county, where such parish-church or chappel is, who are hereby impowered to summon and examine witnesses upon oath, and finally to hear and determine the same, and make such order therein, as to them shall seem just; and, in case they shall adjudge any sum of money to be repaid by the succeeding church-wardens to the church-wardens so accounting, to cause the same to be levyed by distress and sale of the goods and chattels of such succeeding church-wardens, or any of them, by warrant under the hands and seals of any two or more of the justices of the peace present at the said sessions; and in case they shall confirm the determination of the said minister, succeeding church-wardens, and parishioners, then they shall award to the said minister, succeeding church-wardens, and parishioners, such costs, as they shall think reasonable, not exceeding forty shillings; to be levyed by distress and sale of the goods and chattels of the person or persons so appealing by warrant under the hand and seal of two of the justices of the peace present at the said sessions.

and their successors shall repay money proved laid out for the parish, or not collected from poverty, &c.

Appeal to sessions from the vestry:

if repayment adjudged, levied by distress on warrant of 2 of the justices.

If the determination affirmed, costs not above 40 s.

VI. And whereas several parishes in this kingdom are united by charters granted by the crown, in some of which said parishes there are but very few protestants inhabiting, and in others none at all, and the parish-churches thereof quite ruined, or in very great decay: be it therefore enacted by the authority aforesaid, That, until such ruined or decayed churches are rebuilt or repaired, the parishioners thereof shall be obliged to contribute to the keeping in repair the church, to which such parishes are united, and to the providing all necessary charges belonging thereto in like manner, and subject to such regulations, as are herein appointed

Parishioners of an union by charter from the crown, the churches whereof decayed, shall till repaired contribute to repair of the church to which united,

as on episcopal union.

A. D. 1729.

appointed for repairing of the churches united by archiepiſcopal or epiſcopal union.

Money raiſed, applied as by the act of veſtry only.

VII. Provided alſo, and be it enacted by the authority aforeſaid, That all and every ſuch ſums of money, to be raiſed and levyed as aforeſaid, ſhall be applyed to the uſe and uſes mentioned in ſuch act of veſtry, and no other.

CHAP. XII.

An Act for ſupplying a defect in an act for rendering more effectual an act for the better enabling the clergy having cure of ſouls to reſide upon their reſpective benefices; and for the encouragement of proteſtant ſchools within this kingdom of Ireland.

1 G. 2. 15. End thereof not anſwered, from family ſettlements.

WHEREAS an act of Parliament made in the firſt year of the reign of our moſt gracious ſovereign King George the ſecond, intituled, *An act for rendering more effectual an act for the better enabling the clergy having cure of ſouls to reſide upon their reſpective benefices; and for the encouragement of proteſtant ſchools within this kingdom of Ireland*, by reaſon of the many family ſettlements throughout this kingdom, cannot anſwer the good intentions and purpoſes thereof: be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That it ſhall and may be lawful for any perſon or perſons, being ſeized of an eſtate for life in poſſeſſion in any lands, with immediate remainder over to his, her, or their own iſſue, by his, her, or their deed or deeds reſpectively to grant any part of ſuch lands, not exceeding twenty acres plantation meaſure, and being no part of the demeſne-lands, uſually occupied with, or reputed as demeſne to, the manſion or chief dwelling houſe belonging to ſuch tenant for life, as a glebe for the incumbent or miniſter of any pariſh having actual cure of ſouls, and his ſucceſſors, or to any perſon or perſons and their heirs in truſt for any curate or eccleſiaſtical perſon having the actual cure of ſouls in any appropriate or impropriate benefice, and their reſpective ſucceſſors, at, and under, and ſubject to, the payment of the yearly rent, to be aſcertained in ſuch manner as herein after is directed and appointed, in as full and ample manner as if the perſon or perſons ſo granting the ſame had been ſeized of an eſtate in fee ſimple in ſuch lands; and all grants ſo to be made ſhall be good and effectual againſt all perſons

Tenant for life, immediate remainder to iſſue, may grant 20 acres for glebe, not part of the demeſne.

good againſt remainder or reverſion.

persons claiming by virtue of any remainder or reversion expectant upon the said estate for life. A. D. 1729. Chap. 12.

II. Provided always, and be it enacted by the authority aforesaid, That where any such tenant for life shall grant any lands for a glebe in pursuance of this act, the sheriff of the county, where such lands so to be granted lye, at the request of the archbishop or bishop of the diocess, and also of the grantor and grantee, is hereby required and impowered to enquire by the oaths of twelve good and lawful freeholders of the said county, of the time and place of which enquiry notice shall be given at some preceding county court, and likewise upon the oaths of such credible witnesses as shall be produced by either party, of the best and most improved rent, and full yearly value and quantity of the lands so to be granted; which said oaths the said sheriff is hereby impowered to administer; and the said sheriff is hereby required to return the said yearly value of such lands so found together with the mears and bounds thereof to the archbishop or bishop of the diocess, who shall procure the said return, certificate, and deeds of grant to be recorded in the court of Exchequer in the first remembrancer's office; for which inquest and return the sheriff shall receive by way of fees ten shillings, and no more; and the said remembrancer shall put the same on record, and for recording the said inquest, certificate, and deeds of grant, shall receive six shillings and eight pence, and no more; both sums to be paid by the grantee; which said yearly value shall be for ever after the rent payable out of the said lands so granted; and the said inquest, certificate, and deeds of grant so recorded, shall be binding and conclusive to all intents and purposes against the said grantor, and all others claiming any title or interest in the said lands, or any part thereof, in reversion, remainder, or expectancy, by, from, and under him, her, them, or any of them, or under any settlement or entail of the said lands, or any part thereof.

Sheriff, at request of the bishop, grantor, and grantee, shall on notice in county-court inquire of the full yearly value.

2 *Anne* 10.

and return it, with mears and bounds, to the bishop:

to be recorded in Exchequer.

Sheriff's fee 10 s.

Remembrancer's 6 s. 8 d.

paid by grantee.

Said yearly value to be the rent for ever.

Said inquest, &c. conclusive.

III. And be it enacted by the authority aforesaid, That the said lands, so granted in manner aforesaid, shall from thenceforth be taken, adjudged, and deemed to be glebe or demesne lands belonging to the said parish, and subject to and regulated by all and every the clauses, provisoes, conditions, restrictions, and limitations in all former laws made for or concerning the endowing churches with glebe, for the encouraging of the building of houses, and making other improvements on church-lands, and to prevent dilapidations, and for the better enabling clergy having cure of souls to reside on their respective benefices, as fully and amply as if the said laws had been herein particularly recited, mentioned, & and enacted.

Said lands shall be the glebe, and regulated by all former laws for endowing churches, improving, preventing dilapidations, and enabling to reside.

15 *C.* 1. 11.
10 *Wil.* 3. 6.
2 *Anne* 10.
8 *G.* 1. 11.
12.
10 *G.* 1. 6.
12 *G.* 1. 10.
1 *G.* 2. 15.
9 *G.* 2. 13.
31 *G.* 2. 11.

A. D. 1729.

Grantee and ſucceſſors liable to all covenants, &c. as by ſaid laws.

IV. And be it further enacted by the authority aforeſaid, That all and every ſuch incumbent, miniſter, curate, or eccleſiaſtical perſon, to whom or for whoſe uſe ſuch grant or grants ſhall be made in purſuance of this act, and their ſucceſſors for ever, ſhall be and are hereby made liable to, and ſhall be obliged to obſerve, perform, fulfil, and keep, all and every the covenants, agreements, payments of all rents and arrears of rent, and for building and improving on ſuch lands ſo to be granted, as are directed or required by all or any of the ſaid laws.

CHAP. XIII.

An act for explaining and amending the ſeveral laws now in force for the paving and cleanſing the ſtreets of the city of Dublin, and the liberties of Saint Sepulchre's, Thomas-court, and Donore, and for other purpoſes therein mentioned.

22 & 23 C. 2. 17. *Eng.*

Recital 4 G. 1. 11.

& 6 G. 1. 15.

WHEREAS the ſtatute made in the fourth year of the reign of his late Majeſty King George the firſt, intituled, *An Act for the better amendment of the pavements, and more effectual cleanſing the ſtreets of the city of Dublin, and for removing encroachments and nuiſances that are or ſhall be erected therein, and preventing miſchiefs occaſioned by drivers of carts, drays, or carrs, riding thereon; and for regulating the ſelling of hay in the city of Dublin and liberties thereunto adjoyning*, and alſo one other ſtatute made in the ſixth year of his ſaid late Majeſty's reign, intituled, *An Act for the more effectual amendment of the pavements of the ſeveral counties of cities and counties of towns in this kingdom; and for preventing miſchiefs that may happen by fire in the city of Dublin; and for augmenting the number of hackney coaches and chairs in the ſaid city*, have proved ineffectual, ſo far as the ſame relate to the amendment of the pavements and cleanſing the ſtreets, and removing encroachments and nuiſances within the ſaid city of Dublin, and liberties of Saint Sepulchre's, Thomas-court, and Donore: for remedy whereof be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the twenty fifth day of March one thouſand ſeven hundred and thirty the lord mayor of the city of Dublin, and the ſeneſchals of the ſeveral liberties of Saint Sepulchre's, Thomas-court, and Donore, and their ſucceſſors reſpectively for the time being,

ineffectual as to ſtreets of Dublin.

Lord mayor and ſeneſchals ſhall execute the powers relating to the ſtreets, without aſſiſtance of others in ſaid acts.

being, ſhall and may, and are hereby required, authorized, and impowered, to execute the powers veſted in them and others in and by the ſaid act in relation to the ſweeping the ſtreets and lanes, and carrying away the dirt and filth thereout, and alſo in relation to the pavements of the ſtreets and lanes within the ſaid city and ſuburbs, and the liberties thereof, in as full and ample manner as they were impowered and required to do in and by the ſaid former acts, without the aſſiſtance and concurrence of the ſeveral other perſons, who were required to joyn with them in and by the ſaid recited acts; which ſaid other perſons from and after the ſaid twenty fifth day of March one thouſand ſeven hundred and thirty are hereby diſcharged of and from all the powers and truſts, which were veſted in them in relation to the ſweeping and cleanſing the ſtreets in and by the ſaid former acts; and from and after the ſaid twenty fifth day of March one thouſand ſeven hundred and thirty the church-wardens of each pariſh, with any two or more of the directors of the watch in each pariſh within the ſaid city, ſuburbs, and liberties, are hereby ſtrictly charged and required to perambulate all the ſtreets and lanes within their ſeveral pariſhes four times at leaſt in the year: (viz.) the firſt week in May, the firſt week in September, the firſt week in November, and the firſt week in February, and to examine, ſee, and enquire, whether there be any and what defects in the pavements, or any and what default or neglect in cleaning the ſaid ſtreets and lanes, or in carrying away the dirt and filth thereof, according to the ſaid acts, and to prepare and make particular returns thereof within ſix days after each perambulation to the ſaid lord mayor and ſeneſchals reſpectively for the time being; which returns ſhall be filed in the Tholſel office and with the ſeneſchals of the ſeveral liberties reſpectively, as alſo entered in the veſtry books of each reſpective pariſh, to the intent that all and every perſon and perſons requiring the ſame may reſort thereto, and take copies thereof without fee or reward; and the ſaid lord mayor and ſeneſchals are hereby required to execute the truſt repoſed in them by this and the ſaid former acts, and ſee the ſame be duly complied with according to the ſaid returns; and if they or any of them ſhall fail or neglect to do the ſame by the ſpace of ſix days from and after the time hereby appointed for the delivering in of ſuch return, the miniſter and church-wardens, or any of them, or any other perſon or perſons whatſoever, ſhall or may prefer a petition in nature of a complaint to any one of the judges of his Majeſty's court of King's bench, ſetting forth the return or returns ſo made, and the particular neglects or defaults of or in the perſons intruſted with the execution of the ſaid acts; and ſuch of the perſons complained of being firſt ſerved with a copy of the ſaid petition

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Church-wardens with directors of watch ſhall perambulate 4 times a year, and examine the pavements, &c.

and in 6 days return to lord mayor, &c.

to be filed,

and entered in veſtry-books.

Lord mayor, &c. not executing the truſt in 6 days, on petition to a judge of *B. R.* copy and ſummons firſt ſerved, ſaid judge may examine ſummarily,

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tion or complaint, as alſo with a ſummons ſigned by the ſaid judge, appointing the time and place of appearance, which the ſaid judge is hereby authorized and required to iſſue without fee or reward, ſhall within twenty four hours after ſuch ſervice appear before the ſaid judge and anſwer the ſaid charge; and the ſaid judge, upon affidavit made of ſuch ſervice, as well in the abſence as in the preſence of the perſon complained of, ſhall and may, and the ſaid judge is hereby impowered and required to proceed to examine into the ſaid complaint, and finally to hear and determine the ſame, by the oath or oaths of one or more credible witneſs or witneſſes in a ſummary way; and in caſe the perſon complained of ſhall before the ſaid judge appear to be guilty of any neglect or default in the ſaid petition mentioned, ſuch perſon for every ſuch neglect and default ſhall forfeit and pay any ſum not exceeding five pounds, nor leſs than twenty ſhillings, at the diſcretion of the judge, to the perſon ſo complaining; to be levied by diſtreſs and ſale of the goods of the offender by virtue of a warrant, which the ſaid judge is hereby impowered and required to iſſue to ſuch conſtable or other officer, as he ſhall appoint, rendering the overplus (if any) to the owner.

Neglect appearing, penalty not above 5 l. nor leſs than 20 s. to complainant.

Diſputes of the level of pavements determined by lord mayor, &c.

II. And whereas great inconveniences happen for want of due levels made in the pavements of the ſeveral ſtreets and lanes of the ſaid city, and the liberties thereunto adjoyning, for carrying off the water, and many diſputes may ariſe between the inhabitants concerning the manner of placing the ſaid levels: be it enacted by the authority aforeſaid, That from and after the ſaid twenty fifth day of March one thouſand ſeven hundred and thirty it ſhall and may be lawful to and for the lord mayor of the ſaid city for the time being, and to and for the ſaid ſeveral ſeneſchals within their reſpective liberties, upon any diſpute concerning the level of any pavements to determine and fix ſuch level, and to direct the inhabitants to pave ſuch ſtreets and lanes accordingly; and, in caſe they ſhall refuſe or neglect ſo to do by the ſpace of ſix days after notice given, to cauſe the ſame to be paved according to ſuch his direction, and to aſſeſs and applot the charge of making ſuch levels on the inhabitants of the houſes adjoyning, and for non-payment thereof to levy ſuch ceſs by diſtreſs and ſale of the goods of ſuch inhabitants, as in ſuch caſes is uſual, rendering the overplus (if any) to the owner.

who, if not paved accordingly in 6 days, may cauſe it to be done, and aſſeſs inhabitants of houſes adjoining.

Scavengers not doing duty, any perſon may ſweep and carry away the dirt,

III. And be it alſo enacted by the authority aforeſaid, That in caſe the ſcavenger, or any other perſon or perſons employed to ſweep the ſaid ſtreets and lanes, and carry away the filth and dirt thereof, ſhall fail or neglect to do the ſame in ſuch manner, and at ſuch times, as the ſame is directed to be done by the ſaid acts, it ſhall and may be lawful to and for the church-wardens and overſeers

overſeers of the watch in their reſpective pariſhes, or any of them, or any other perſon or perſons whatſoever, to cauſe the ſaid ſtreets and lanes to be ſwept, and the dirt and filth to be carried thereout, and that the ſum of five ſhillings *ſterling* ſhall be paid out of the treaſury of the ſaid city to the perſon or perſons, who ſhall do or cauſe the ſame to be done, for each cart load of dirt or filth that ſhall be ſo carried out of any of the ſtreets or lanes belonging to the ſaid city, by the treaſurer or other officer, who is or ſhall be intruſted with the receipt and payment of the money belonging to the ſaid city, to the perſon to whom the ſame is to be paid, demanding the ſame, and making it appear by one or more affidavits how many cart loads were ſo carried out, and the ſum of five ſhillings for each cart load of dirt which ſhall be ſo carried out of any of the ſtreets or lanes belonging to the liberties of Saint Sepulchre's, Thomas-court, or Donore reſpectively, by the ſeneſchals of the ſaid liberties reſpectively, or other officer who ſhall be intruſted with the receipt and payment of the money raiſed in the ſaid liberties for cleanſing the ſaid ſtreets; and in caſe ſuch treaſurer, ſeneſchal, or other officer ſhall neglect or refuſe to pay the ſame, then upon complaint to any one of the judges of the court of King's bench it ſhall and may be lawful to and for the ſaid judge and he is hereby impowered and required, to iſſue a ſummons, and upon ſervice thereof to proceed in a ſummary way upon the ſaid complaint by examining witneſſes to the truth of the facts therein alledged; and in caſe it ſhall appear to the ſaid judge, that the ſum demanded ought to have been paid according to the intent and true meaning of this act, then the ſaid judge is hereby required to iſſue his warrant to any conſtable, or ſuch other officer as he ſhall appoint to levy the ſaid ſum, with ſuch coſts as he ſhall think fit, by diſtreſs and ſale of the ſaid treaſurer's, ſeneſchal's, or other officer's goods, returning the overplus to the owner; and the ſaid treaſurer, ſeneſchal, or other officer may, if he thinks fit, retain the ſum levyed (except the coſts) out of the ſcavanger's ſalary or wages.

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and ſhall be paid by treaſurer, &c. 5 s. each cart load.

on non-payment, it ſhall be levied on complaint to a judge of *B. R.* by warrant,

Treaſurer, &c. may retain (except coſts) out of ſcavenger's ſalary,

IV. And whereas ſeveral miſchiefs have happened by the lord mayor's frequent diſapproving of perſons, who have been choſen to ſerve as conſtables at the ſeveral veſtries, and preſented or returned to the ſaid lord mayor to be ſworn into the ſaid office, and that without any reaſonable cauſe aſſigned: for remedy whereof be it enacted by the authority aforeſaid, That every perſon, ſo returned to ſerve as conſtable, ſhall be ſworn into the ſaid office, unleſs diſapproved for a reaſonable cauſe, to be made appear by one or more affidavits, and unleſs ſuch diſapprobation with the reaſons thereof be certified under the hands of the lord mayor and recorder, and returned to the miniſter of the pariſh within

Conſtables choſen at veſtry, and returned to lord mayor, ſhall be ſworn, unleſs reaſonable cauſe for diſapprobation, on affidavit, and certified in 8 days to the miniſter, and filed: 10 *G.* 1. 3.

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eight days after ſuch conſtable ſhall be ſo returned to the lord mayor and filed with the clerk of the veſtry; which certificate ſhall be granted and filed without fee or reward; and if the pariſhioners in veſtry aſſembled ſhall think themſelves aggrieved by ſuch diſapprobation, and that it is not reaſonable and ſufficient, it ſhall and may be lawful to and for the church-wardens of ſuch pariſh by an order of veſtry to lay the ſame before any one of the judges of his Majeſty's court of King's bench, who upon hearing the matter is hereby impowered and required under his hand and ſeal to approve or diſapprove of the perſon or perſons ſo choſen and preſented, and in caſe ſuch judge ſhall diſapprove of ſuch perſon or perſons, the pariſhioners ſhall proceed to a new election.

Church-wardens by order of veſtry may lay it before a judge of *B. R.* and if diſapproved, a new election.

V. And whereas perſons choſen into the office of conſtable are ſome times permitted to execute the ſame by deputies, which deputies are often unfit for ſo great a truſt: be it enacted by the authority aforeſaid, That every conſtable ſo choſen, who ſhall deſire to act by a deputy, ſhall return the name of ſuch deputy to the pariſh in veſtry aſſembled, who may approve or diſapprove of the ſame, and if the perſon ſo returned ſhall be diſapproved, the veſtry ſhall nominate and appoint a deputy-conſtable at their diſcretion.

the name of conſtable's deputy ſhall be returned to veſtry,

and if diſapproved, veſtry ſhall appoint one.

VI. And whereas it often happens, that the common ſewers and water-courſes within the city of Dublin, and liberties and ſuburbs thereof, and the liberties of Saint Sepulchre's, Thomas-court, and Donore, are laid open, or fall in, by means whereof the lives of his Majeſty's ſubjects, who may paſs that way in the night time, are endangered: be it enacted by the authority aforeſaid, That the lord mayor of the city of Dublin for the time being, having notice given to him in writing that any common-ſewer or water-courſe is open or fallen in within his juriſdiction, ſhall forthwith give directions to the city ſurveyor to provide ſome fit perſon to watch by the ſame with a light from ſun-ſet to ſun-riſe, until ſuch breach ſhall be repaired and made up; and that the ſeneſchals of the liberties of Saint Sepulchre's, Thomas-court, and Donore reſpectively, ſhall after like notice given to them that any common-ſewer or water-courſe is open or fallen in within their reſpective juriſdictions, give directions to the conſtable or conſtables of their reſpective liberties to provide ſome fit perſon to watch by the ſame in manner before directed; which ſaid watch-man ſhall be paid by the ſaid reſpective ſeneſchals, who ſhall be reimburſed ſuch money by the preſentment of the grand jury of the ſaid reſpective liberties; which ſaid grand juries of the reſpective liberties aforeſaid are hereby impowered to raiſe and levy ſuch money, as other publick money is levyed within the ſaid liberties; and in caſe the ſaid lord mayor and the ſaid ſeneſchals, or either of them,

Lord mayor, on notice in writing that a common ſewer is open, ſhall direct city ſurveyor to provide a watch and light, till repaired.

the like direction to conſtables by ſeneſchals of the liberties;

who are to pay, and be reimburſed by preſentment of the grand jury.

them, ſhall fail to give ſuch orders to the perſons before mentioned within their reſpective juriſdictions, the ſaid lord mayor ſhall for every ſuch failure or neglect forfeit the ſum of forty ſhillings for each night, he ſhall have ſo failed or neglected to give ſuch directions, and the ſaid ſeneſchals, or either of them ſhall for every ſuch failure or neglect forfeit the ſum of twenty ſhillings *ſterling*; the ſaid penalty of forty ſhillings *ſterling* on the lord mayor, and the ſaid penalty of twenty ſhillings, to be recovered by civil bill at the quarter-ſeſſions held for the county of Dublin and city of Dublin, which they are hereby impowered to hear and determine in like manner, as debts are recoverable by civil bill; one moiety of which ſaid ſeveral penalties before mentioned ſhall go to the informer, and the other moiety to the poor of the pariſh where the offence is committed; and in caſe the city-ſurveyor, or conſtables of either of the ſaid liberties, having received ſuch directions, ſhall fail or neglect to provide ſome fit perſon to watch with a light in manner before directed, ſuch city ſurveyor or conſtable ſhall for every night, they have not provided ſuch fit perſon to watch as aforeſaid, forfeit reſpectively a ſum not exceeding twenty ſhillings, nor leſs than ten ſhillings *ſterling*; and in caſe any watchman ſo appointed by the city-ſurveyor or conſtables as aforeſaid ſhall neglect to watch with a light as aforeſaid, he ſhall forfeit the ſum of five ſhillings for every night, in which he ſhall be guilty of ſuch neglect; the ſaid forfeitures hereby impoſed upon the ſaid city-ſurveyor, conſtables, and watchmen, or any of them, to be levyed by diſtreſs and ſale of the goods of ſuch city-ſurveyor, conſtable, or watchmen, by warrant of any one of the juſtices of the peace of the city of Dublin or juſtices of the peace for the county of Dublin reſpectively, and, in caſe ſuch juſtice ſhall refuſe or neglect to grant ſuch warrant for the ſpace of twenty four hours, then and in ſuch caſe by warrant of any one of the judges of his Majeſty's court of King's bench, which they are hereby required to iſſue on oath made of ſuch failure or neglect; and in caſe it ſhall appear to ſuch judge upon examination of the party upon oath, that the ſaid juſtice or juſtices of the peace, to whom application was made for ſuch warrant, cannot aſſign ſome reaſonable cauſe for his refuſing or neglecting to iſſue ſuch warrant, that then and in ſuch caſe the ſaid juſtice of the peace ſo refuſing or neglecting to iſſue his warrant ſhall forfeit the ſum of twenty ſhillings, to be levied by warrant under the hand and ſeal of ſuch judge of the goods and chattles of the offender; one moiety of all ſuch forfeitures impoſed upon the city-ſurveyor, conſtables, watchmen, or juſtices of the peace, ſhall be applied to the uſe of the informer, and the other moiety to the uſe of the poor of the pariſh where ſuch

Penalty on lord mayor 40 s. every neglect: on ſeneſchals 20 s. by civil bill,

to the poor and informer.

Surveyor or conſtable neglecting,

penalty not above 20 s. nor under 10 s. every night.

Watchman neglecting, penalty 5 s. every night.

Said forfeitures levied by warrant of a juſtice; or, if not granted in 24 hours, of a judge of *B. R.*

If reaſonable cauſe not aſſigned by the juſtice, penalty 20 s.

all ſaid forfeitures to the poor and informer.

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such offence is committed, rendring the overplus to the owner (if any be) and in case sufficient distress cannot be found to levy the said forfeitures on the said watchmen, it shall be lawful for the said justice or judge to commit such watchman to the house of correction, there to be kept at hard labour for the space of ten days.

Watchman, on default of distress, sent to the house of correction 10 days.

VII. And be it further enacted by the authority aforesaid, That when any fit person or persons shall be presented for scavenger or scavengers at any court-leet to be held for the liberties of Saint Sepulchre's, Thomas-court, and Donore, the grand juries of the said respective liberties shall in such their respective presentments ascertain the annual sum or sums of money, which shall be paid by the respective inhabitants of the said liberties for cleansing the streets and lanes of the same; which presentment shall be as effectual in that behalf, as if the same were made in any court-leet for the said liberties held immediately after Easter, as was directed by an act made in the sixth year of the reign of his late Majesty King George the first, intituled, *An act for the more effectual amendment of the pavements of the several counties of cities, and counties of towns in this kingdom; and for preventing mischiefs that may happen by fire in the city of Dublin; and for augmenting the number of hackney-coaches and chairs in the said city*; the said act, or any law or statute, to the contrary in any wise notwithstanding.

When fit scavengers presented at any leet for the liberties, grand jury shall ascertain annual sums payable by inhabitants, as effectual as if by 6 *G.* 1. 15. *Sec.* 4.

and in the presentment name applotters,

to be sworn

VIII. And be it further enacted by the authority aforesaid, That the grand juries for the said liberties respectively shall also in such presentment name two or more applotters, who shall be sworn in open court equally and indifferently to applot such sum or sums of money upon the several inhabitants of the said respective liberties; and in case any of the inhabitants thereof shall neglect or refuse to pay the sum so applotted to be paid by him or them respectively to the said scavenger by the said presentment, that then and so often the seneschals of the respective liberties shall issue a warrant under their hands and seals to levy the same by distress, and cause so much of the offenders goods to be sold, as shall pay the scavenger the sum, that the said offender was obliged to pay by the said presentments and applotment, rendring the overplus to the owner.

Inhabitants not paying, levied by distress, on seneschal's warrant.

Lights erected in Waterford and Galway by persons appointed under corporation seal.

33 *G.* 2. 18.
1 *G.* 3. 17.

IX. And whereas the erecting and putting up lights in the cities of Dublin, Corke, and Limerick hath been found to be of great use for preventing murders and robberies there; and that the putting up the like and regularly keeping them in the city of Waterford, and town of Galway, and liberties thereof may prevent the like evils and other mischiefs therein: be it enacted by

by the authority aforesaid, That it shall be lawful for the said city of Waterford and town of Galway by writing under their respective corporation seals from time to time to nominate and appoint such person or persons, as to them shall seem proper, to erect and put up such lights in the said city and town, and the liberties thereof; which persons so to be nominated and appointed, and no other, shall have full power and authority to erect and put up lights in the said city and town, and liberties thereof, in the same manner, of the like kind, dimensions, fashion, and goodness, and set up of the same height, and placed at the like distance, and to be maintained with good and sufficient lights, to be lighted up and continue burning with double wick, and a sufficient quantity of rape-oyl of the produce of this kingdom, or of sun-fish-oyl made in this kingdom, as directed by an act of Parliament made in the sixth year of the reign of his late Majesty King George the first, intituled, *An act for erecting and continuing lights in the city of Dublin, and the several liberties adjoining; and also in the cities of Cerke and Limerick, and liberties thereof*; and for the paying and bearing all the charges and expences of all the said lanthorns and publick lights so to be erected and maintained, there shall be allowed and paid by the inhabitants of the said city and town, and the liberties thereof respectively, the like sum and sums of money, by such payments, and at such times, and in like manner, as is appointed by the before mentioned act to be paid in the said cities of Dublin, Corke, and Limerick, and the liberties aforesaid for the lights there erected; and that the persons, so to be nominated and appointed as aforesaid, shall by themselves or servants have full power and lawful authority to collect, distrain, and receive to his or their own use all such sum and sums of money, as shall be payable for erecting and maintaining such lights, according to the rates and in such manner as by the aforesaid act is appointed for erecting and maintaining lights in the said cities of Dublin, Corke, and Limerick, and in case of non-payment by the space of twenty one days after demand made it shall and may be lawful to and for such person or persons, as shall be nominated and appointed as aforesaid, or their servants within the said city and town, and liberties respectively, from time to time and at all times hereafter, as often as there shall be occasion, to distrain for such assessment or rates upon any inhabitant, that shall refuse or neglect to pay the same, and to make sale of such distress or distresses, deducting thereout what shall be really due, returning the overplus to the owner; and in case the person or persons so to be nominated and appointed as aforesaid, or those to be employed by them to attend the said lamps, shall be negligent in performing their duties respectively in

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as by 6 G. 1. 18.

The like method of charging inhabitants,

and remedy for non-payment,

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erecting and fitting of Lanthorns and lamps in all convenient places within the ſaid city, town, and liberties, or in maintaining the lights and ſnuffing them, and cleanſing the glaſs of the lanthorns, as they ought to be, or if any perſon or perſons employed to attend the lamps ſhall imbezle or miſapply the oyl, cotton, or wick, delivered to him or them; or if any perſon or perſon ſhall wilfully and maliciouſly break any lanthorns or lights, or pull out any irons fixed for holding them, or break any glaſs-windows or palliſadoes, and ſhall be thereof convicted before the chief magiſtrate of the ſaid city or town reſpectively for the time being, in like manner as mentioned in the aforeſaid act relating to the cities of Dublin, Corke, and Limerick, ſuch perſon and perſons ſhall forfeit for every ſuch default, neglect, or offence, ſuch and the like forfeitures, as are mentioned in the ſaid act, to be levied and diſpoſed of, and ſuffer ſuch penalties, as the ſaid act directs, with like privilege to any perſon or perſons, that ſhall be ſued for doing or cauſing to be done any thing in purſuance hereof, of pleading the general iſſue, and giving the ſpecial matter in evidence, and having ſuch coſts, as is mentioned in the aforeſaid act relating to Dublin, Corke, and Limerick; and if any replevins ſhall be brought or proſecuted for any diſtreſs to be taken by virtue hereof, the ſame ſhall be heard ſummarily and finally determined by and before the chief magiſtrate of the ſaid city and town reſpectively for the time being, and not elſewhere, in like manner as by the ſaid act the lord mayor of Dublin, and the mayors of Corke and Limerick, are to determine ſuch replevins; and that the perſon or perſons, that ſhall be nominated and appointed as aforeſaid, ſhall in twenty one days after being ſo nominated and appointed enter into ſecurity of five hundred pounds *ſterl.* before the reſpective chief magiſtrate of the ſaid city and town for true performance on their parts of all, that ought to be obſerved and performed by them according to the directions of the aforeſaid act relating to the cities of Dublin, Corke, and Limerick, and at the ſame time take before ſuch chief magiſtrate the oaths, and ſubſcribe the declaration, mentioned in the act to prevent the further growth of popery, and continue in ſuch office or employment reſpectively during good behaviour, and no louger.

the like penalties,

and privilege to perſons ſued for acting.

Replevins heard ſummarily by chief magiſtrate.

Appointees in 21 days to give 500 l. ſecurity, take the oaths, *&c.*

to continue during good behaviour.

X. And be it further enacted by the authority aforeſaid, That a pattern-lanthorn and irons ſhall be depoſited with, and always kept by, the chief magiſtrate of the ſaid city and town reſpectively, as directed by the aforeſaid act to be depoſited with the lord mayor of Dublin, and the mayors of Corke and Limerick, to the intent the lamps may conſtantly be kept up accordingto the dimenſions of the ſaid pattern.

Pattern-lanthorn and irons kept by chief magiſtrate.

CHAP.

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CHAP. XIV.

An act to prevent unlawful combinations of workmen, artificers, and labourers employed in the ſeveral trades and manufactures of this kingdom, and for the better payment of their wages: as alſo to prevent abuſes in making of bricks, and to aſcertain their dimenſions.

17 G. 2. 8. *further inforced.*

WHEREAS great numbers of workmen, artificers, and others concerned in the ſeveral trades and manufactures of this kingdom have without any charter or other licence or authority lately formed themſelves into unlawful clubs and ſocieties, and have preſumed contrary to the law to enter into combinations, and to make by-laws and orders, by which they pretend to regulate the trade and the prices of goods, and to advance their wages unreaſonably, and many other things to the like purpoſe: and whereas it is neceſſary, that more effectual proviſion ſhould be made againſt ſuch unlawful combinations; and for preventing the ſame for the future: be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all contracts, covenants, or agreements, and all by-laws, ordinances, rules, or orders in ſuch unlawful clubs or ſocieties heretofore made or entered into, or hereafter to be made or entered into, by or between any perſons brought up in or profeſſing, uſing, or exerciſing any of the arts and myſteries of the ſeveral trades and manufactures of this kingdom, for regulating the ſaid trade or myſtery, or for regulating or ſettling the prices of goods, or for advancing their wages, or for leſſening their uſual hours of work, ſhall be and are hereby declared to be illegal, null, and void, to all intents and purpoſes: and further, that if any perſon or perſons concerned in the ſaid ſeveral trades and manufactures of this kingdom ſhall at any time or times after the twenty fifth day of March in the year of our Lord one thouſand ſeven hundred and thirty keep up, continue, act in, make, enter into, ſign, ſeal, or be knowingly concerned in, any contract, covenant, or agreement, by-law, ordinance, rule, or order of any club, ſociety, or combination, by this act declared to be illegal, null, and void, or ſhall preſume or attempt to put any ſuch illegal agreement, by-law, ordinance, rule, or order in execution; every perſon ſo offending, being thereof legally convicted upon the oath or oaths of one or more credible

Contracts and by-laws by unlawful clubs of artificers, &c. regulating the trade, ſettling prices, advancing wages, or leſſening hours of work, void.

2 & 3 E. 6. 15. *Eng.*

5 G. 2. 4. *againſt ſtriking employer.*

Offenders, on conviction before 2 juſtices on proſecution in 3 months, committed not above 3 months.

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credible witneſs or witneſſes before any two or more juſtices of the peace for the county, city, town, or place, where ſuch offence ſhall be committed, upon any information exhibited or proſecution within three calendar months after the offence committed, which oaths the ſaid juſtices are hereby impowered and required to adminiſter, ſhall by order of ſuch juſtices at their diſcretion be committed either to the houſe of correction, there to remain and be kept to hard labour for any time not exceeding three months, or to the common goal of the city, county, town, or place, where ſuch offence ſhall be committed, there to remain without bail or mainprize for any time not exceeding three months.

Artificer, &c. quitting ſervice before his time, or his work 3 days, or returning his work unfiniſhed,

II. And be it enacted by the authority aforeſaid, That if any perſon actually retained or employed as an artificer, workman, ſervant, or labourer, in any of the ſeveral trades or manufactures of this kingdom ſhall at any time or times after the ſaid twenty fifth day of March in the year of our Lord one thouſand ſeven hundred and thirty depart from his ſervice before the end of the time or term, for which he is or ſhall be hired or retained, or ſhall quit his work for the ſpace of three days, or return his ſaid work, before the ſame ſhall be compleatly finiſhed, without the conſent of the perſon or perſons by whom he ſhall be ſo employed or retained, unleſs it be for ſome reaſonable and ſufficient cauſe, to be allowed by two or more juſtices of the peace in their reſpective juriſdictions; then in every ſuch caſe every perſon ſo offending, being thereof lawfully convicted before two or more juſtices of the peace as aforeſaid, ſhall forfeit and pay the ſum of five pounds *ſterling*; one half thereof to be given to the informer, and the other half to the poor of the pariſh; which ſaid ſum of five pounds *ſterling* the ſaid juſtices of the peace are hereby authorized and required to levy by iſſuing their warrant or warrants under their hands and ſeals for diſtreſs and ſale of the offenders goods and chattels, rendering the overplus to the owner; and for want of ſufficient diſtreſs to commit the party or parties offending to the houſe of correction, there to be kept to hard labour for any time not exceeding three months.

Penalty unleſs cauſe allowed by 2 juſtices, 5 l.

to the poor and informer.

But no penalty, if want of materials, or non-payment of wages by employer.

III. Provided always, That if the perſon or perſons ſo employing or retaining any ſuch artificer, ſervant, workman, or labourer, ſhall not from time to time conſtantly furniſh and ſupply him with proper ſtuff and materials, or ſhall not from time to time pay and diſcharge all ſuch wages and hire, as the ſame ſhall become due to any ſuch artificer, ſervant, workman, or labourer, ſo retained or employed as aforeſaid, according to ſuch agreement as is or ſhall be made for that purpoſe, ſuch want of materials or non-payment of wages being firſt lawfully proved before

two

two or more juſtices of the peace; in every ſuch caſe ſuch artificer, ſervant, workman, or labourer, ſhall not be liable to the penalties herein before mentioned for departing from his ſervice, or quitting or returning his work, as aforeſaid.

Any one, tho' not free of a corporation may compleat work ſo left unfiniſhed, without being liable to a penalty.

IV. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for the perſon or perſons ſo employing any ſuch artificer, ſervant, workman, or labourer as aforeſaid, to receive or employ any other perſon or perſons to finiſh and compleat ſuch work, as ſhall be ſo left by any ſuch artificer, workman, ſervant, or labourer as aforeſaid; and the perſon, who ſhall be received and employed to finiſh ſuch work as aforeſaid (though not free of any corporation) ſhall not be liable to, and is hereby exempted from, any fines and penalties, that may be inflicted or impoſed by any court or corporation for or in reſpect of his finiſhing the ſaid work: and if any diſpute ſhall ariſe or happen between any maſter-workman, or other perſon employing any ſuch artificer, workman, ſervant, or labourer as aforeſaid, about the goodneſs of ſtuff or materials, or whether the ſame be fit, or a ſufficint quantity given for the work, for which they were intended, that then upon application made by either of the ſaid parties to one or more juſtice or juſtices of the peace, ſuch juſtice or juſtices is and are hereby authorized and required to give directions to the maſter and wardens of the corporation or trade uſed, exerciſed, or profeſſed by either of the ſaid parties, and in ſuch places, where no corporation is ſubſiſting, then to any other experienced perſon, to examine into the premiſſes; and the judgment and deciſion, ſo made therein by the ſaid maſter and wardens or other experienced perſon, is hereby declared to be definitive.

Diſputes about the goodneſs or quantity of materials ſhall, on application to a juſtice, be finally decided by the corporation or trade; or, if none, any experienced perſon.

V. And be it enacted by the authority aforeſaid, That in caſe of ſuch diſputes, if any workman ſhall provide ſtuff or materials without the conſent of the employer, before the determination firſt had as aforeſaid, under pretence of making a particular charge thereof, or otherwiſe, that then it ſhall be lawful for ſuch employer or maſter-workman to refuſe payment for the ſame, and to plead the general iſſue in any action to be brought upon account thereof, and to give this act and the ſpecial matter in evidence.

If before ſuch determination a workman provides materials without conſent of employer, he may refuſe payment; and, if ſued, plead general iſſue, &c.

VI. And be it enacted by the authority aforeſaid, That if any maſter-workman, or other perſon whatſoever for him by his direction or with his privity, ſhall knowingly receive, employ, or entertain any artificer, workman, ſervant, or labourer, already employed or retained by another, during the time he is ſo employed or retained, without leave of the perſon or perſons by whom he is ſo employed or retained, that then and in ſuch caſe every

Employing without leave artificer, &c. retained by another,

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every ſuch offender, being thereof lawfully convicted, ſhall for every ſuch offence forfeit and pay the ſum of five pounds *ſterling*, one half thereof to be given to the perſon aggrieved, and the other half to the poor of the pariſh where ſuch offence ſhall be committed, the ſame to be levied by diſtreſs and ſale of the offenders goods and chattels by warrant or warrants under the hands and ſeals of any one or more juſtices of the peace within their reſpective juriſdictions, rendering the overplus to the owner; and for want of ſuch diſtreſs ſuch juſtices ſhall commit the perſon or perſons ſo offending to the common goal of the county, city, town, or place, where ſuch offence ſhall be committed, there to remain without bail or mainprize for any time or ſpace not exceeding three months.

penalty 5 l. to the poor and employer.

Artificer, &c. wilfully damnifying the goods committed to him,

VII. And be it further enacted by the authority aforeſaid, That if any artificer, workman, ſervant, or labourer, hired, retained or employed in any of the ſeveral trades and manufactures of this kingdom as aforeſaid, ſhall wilfully damnify, ſpoil, or deſtroy without the conſent of the perſon or perſons, by whom he ſhall be ſo hired, retained, or employed, any of the goods, wares, or work committed to his care or charge, or wherewith he ſhall be intruſted, every ſuch offender and his accomplices, being thereof lawfully convicted in manner as is before mentioned, ſhall forfeit and pay to the owner or owners of ſuch goods, wares, or work, ſo damnified, ſpoiled, or deſtroyed, double the value thereof, to be levyed by diſtreſs and ſale of the offenders goods and chattels by warrant or warrants under the hands and ſeals of any two or more juſtices of the peace within their reſpective juriſdictions; and for want of ſufficient diſtreſs, ſuch juſtices ſhall commit the party or parties ſo offending to the houſe of correction, there to remain and be kept to hard labour for any time not exceeding three months, or until ſatisfaction be made to the party or parties aggrieved for the ſame.

penalty double value, to owner.

Employer ſhall pay the full wages in money only, and make no deduction without conſent;

10 *Anne* 16. *ſec.* 6. *Eng.* 13 *G.* 2. 8. *ſec.* 6. *Eng.*

VIII. And be it enacted by the authority aforeſaid, That every perſon or perſons concerned in employing any artificers, work-men, ſervants, or labourers, in any of the trades or manufactures of this kingdom as aforeſaid, ſhall, and they are hereby obliged and required to, pay unto all perſons, by them employed in the ſeveral trades and manufactures aforeſaid, the full wages or other price agreed on in good and lawful money of this kingdom, and ſhall not pay the ſaid wages, or other price agreed on, or any part thereof in goods, or by way of truck, or in any other manner than in money as aforeſaid, or make any deduction from ſuch wages or price for or on account of any goods ſold or delivered previous to ſuch agreement by any perſon

perſon or perſons whatſoever, or in order to pay any ale-houſe or tavern-ſcores, or other debts whatſoever, without the conſent of the perſon or perſons ſo by them hired and employed as aforeſaid: and for more eaſy recovering the ſaid wages or price agreed on it ſhall be lawful for any two or more juſtices of the peace within their reſpective juriſdictions, and they are hereby authorized and required, upon complaint made for that purpoſe to ſummon before them the party or parties offending (he or ſhe not being a peer or peereſs of this realm) and for non-payment of ſuch wages, or price agreed on in money, or ſufficient ſatisfaction given for the ſame to the good liking of the party or parties aggrieved, to iſſue their warrant or warrants under their hands and ſeals for levying ſuch wages or price agreed on due as aforeſaid (provided the ſame ſhall not exceed the ſum of three pounds) by diſtreſs and ſale of the offenders goods and chattels, rendring the overplus to the owner, and for want of ſufficient diſtreſs, to commit the party or parties offending to the common goal of the county, city, town, or place, where ſuch offence ſhall be committed, there to remain without bail or mainprize, until he, ſhe, or they ſhall pay ſuch wages or price agreed on in money as aforeſaid, or give full ſatisfaction for the ſame to the good liking of the party aggrieved.

On complaint for non-payment of wages (not above 3 l.) 2 juſtices may ſummon offender (not a peer) and iſſue warrant to diſtrain. 2 *G.* 1. 17.

IX. Provided always, That it ſhall and may be lawful for any perſon aggrieved by any order or orders, to be made by any two or more juſtices of the peace in purſuance of this act, to appeal to the juſtices of the peace aſſembled at the next general quarter-ſeſſions to be holden for the county, city, diviſion, pariſh, or place, where ſuch order ſhall be made, giving reaſonable notice of ſuch appeal; the reaſonableneſs of which notice ſhall be determined by the juſtices of the peace at the quarter-ſeſſions, to which the appeal is made; and if it ſhall appear to them that reaſonable time of notice was not given, then they ſhall adjourn the ſaid appeal to the next quarter-ſeſſions, and then and there finally hear and determine the ſame; and the juſtices, who in the general quarter-ſeſſions ſhall hear the matter, ſhall have power to award reaſonable coſts to either party, as to them ſhall ſeem juſt.

Appeal to ſeſſions, on reaſonable notice,

adjourned if not reaſonable.

Coſts to either party.

X. And be it further enacted by the authority aforeſaid, That from and after the twenty fifth day of March in the year of our Lord one thouſand ſeven hundred and thirty no maſter-workman, overſeer, or undertaker of any work, who ſhall employ any workmen or journeymen under him at daily or weekly wages, ſhall upon any pretence whatſoever change his employer with any further ſum or ſums of money for the wages

Maſter-workman charging employer with more for journeymen's wages than he really paid,

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ges of ſuch workmen or journeymen, than what ſuch maſter-workman, overſeer, or undertaker, ſhall actually and *bona fide* pay to ſuch workmen or journeymen; and in caſe ſuch maſter-workman, overſeer, or undertaker, ſhall offend herein, ſuch maſter-workman, overſeer, or undertaker, ſhall forfeit for every ſuch offence the ſum of ten pounds, to be recovered by civil bill in ſuch manner as ſmall debts are recoverable.

penalty 10*l.* by civil bill.

Abuſes in making brick,

XI. And whereas in the art or myſtery of brick-making ſeveral great abuſes already have been, and are likely to be, committed for the future, unleſs due care be taken for the prevention thereof in and about the city of Dublin, and in ſeveral other parts of this kingdom; whereby bricks, which have been made for publick ſale, are ſo ill prepared, made, and burnt, that they are ſcarce able to bear their own weight, which has either occaſioned ſeveral conſiderable ſums of money to be every year ſent out of the kingdom to buy good bricks from Holland, or has otherwiſe occaſioned great damage not only to the particular perſons, who have bought and uſed ſuch bad bricks ſo made and prepared as aforeſaid, but alſo to his Majeſty's good ſubjects in general, by the ſudden decay and downfal of edifices and houſes built therewith, whereby the ſtreets and publick places are continually annoyed with repairs, to the great hindrance as well as imminent danger of all ſuch perſon and perſons who paſs and repaſs on their different occaſions: and whereas there is at preſent no proviſion made by any law for the dimenſions of bricks to be made and uſed in buildings in this kingdom: be it enacted by the authority aforeſaid for the common good and benefit of his Majeſty's ſubjects, and the duration of buildings, and the better aſcertaining the times of digging the earth, and the manner of making and burning bricks hereafter to be made for ſale, and the lengths, breadths, and thickneſs thereof, That from and after the twenty fifth day of March in the year of our Lord one thouſand ſeven hundred and thirty every perſon and perſons, who ſhall make or cauſe to be made bricks for publick ſale, or ſhall expoſe ſuch bricks, when made, to publick ſale in any of the brick-fields or lands in or about the city of Dublin, or in any other parts of this kingdom, ſhall be obliged to dig and turn ſuch clay before the month of November next preceding the burning of ſuch bricks, and in ſo doing ſhall fairly and cleanly uncaloe or ſtrip the upper ſoil from ſuch brick-earth, as he or they ſhall make uſe of, and ſhall not on any pretence whatſoever make uſe of any other than the proper and natural brick-earth, and ſhall alſo be obliged to turn and temper the clay once more after the month of November, and before the month of February next

miſchief,

conſiderable ſums exported,

downfal of edifices.

12 *G.* 1. 35. *Eng.*
2 *G.* 2. 15. *Eng.*

Makers of brick for ſale ſhall dig and turn the clay before Nov. preceding the burning,

ſtrip the upper ſoil, and uſe only natural brick earth,

and turn and temper it

next preceding the burning of ſuch bricks as aforeſaid; and alſo that no brick-maker, temperer, moulder, or any other perſon or perſons employed in the art or myſtery of brick-making, ſhall in any way mould or caſt in form any clay, which has not firſt been tempered and turned in manner, as is herein before mentioned, and picked clear of ſtones of any kind, particularly lime-ſtones; or ſhall on any pretence whatſoever mould or form into brick any clay, wherein there is any lime-waſh, or mould, or form any bricks as aforeſaid after the twenty fifth day of November in any year and before the twenty fifth day of March following.

once after Nov. and before Feb. no clay ſhall be moulded into form that is not ſo tempered, and cleared of ſtones, particularly lime-ſtones, nor where lime-waſh;

XII. And whereas in moulding or forming of bricks good and proper clay may be and is frequently made into bad bricks by the too great ſoftneſs of the temper, whereby, though the moulds or forms be made of a proper ſize, yet from the retiring or ſhrinking of the clay, when burnt, bricks become of an irregular and improper ſize and ſhape: be it further enacted by the authority aforeſaid, That all bricks, which ſhall at any time or times from and after the ſaid twenty fifth day of March in the year of our Lord one thouſand ſeven hundred and thirty one be made or burnt for ſale, ſhall when burnt be not leſs than nine inches and a half long, four inches and a half broad, and two inches and a quarter thick; and alſo that no moulder, brick-maker, or other perſon whatſoever, in forming or moulding bricks purſuant to the tenor of this act ſhall caſt into form or mould any piece or parcel of clay, as it is delivered to him or them on the ſtool, or elſewhere, unleſs it be of ſuch a conſiſtence, that it will ſtick together, if taken up with a common pitch-fork of two grains or tangs: and further, that no perſon or perſons employed in the art or myſtery of brick-making ſhall mould, form, or burn any bricks in any other time of the year than between the firſt day of March and firſt day of November, unleſs ſuch bricks, ſo made or burnt at any other time than as aforeſaid, be for the proper and private uſe of the perſon or perſons ſo making or burning the ſame, and not for publick ſale, or to be uſed in any of the edifices or buildings of the city of Dublin, or any corporate town or city in this kingdom.

no bricks moulded after 25 Nov. and before 25 March. Bricks for ſale, when burnt, not leſs than 9 inches and a half by 4 and a half, and 2 and a quarter thick: the clay ſhall ſtick together if taken up with a common pitch-fork: none to be burnt except between 1 ſt. March and 1 ſt. November, unleſs for private uſe, and not for a corporate town or city.

XIII. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall at any time or times from and after the ſaid twenty fifth day of March one thouſand ſeven hundred and thirty one make any bricks for ſale in any other manner, than is herein before directed and appointed, upon complaint made thereof by one or more perſon or perſons before two or more juſtices of the peace within their reſpective juriſdictions, ſuch juſtices are hereby authorized and required to ſummon the

Penalty 20s. *per* 1000, before 2 juſtices, to the poor and informer.

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person or persons so complained of to appear before them; and upon the appearance or default of the person or persons so complained of, and due proof of such offence by the oath or oaths of one or more credible witness or witnesses, to convict such offender or offenders, and adjudge that he or they shall forfeit and pay the sum of twenty shillings *sterling per* thousand, and so proportionably for a greater or lesser quantity, of bricks as shall be so made for sale contrary to the tenor, purport, true intent and meaning of this act; one half thereof to be given to the first informer, and the other to the poor of the parish; the same to be levyed by warrant to be issued under the hands and seals of any two or more justices of the peace within their respective jurisdictions by distress and sale of the offenders goods and chattles, rendring the overplus to the owner; and for want of sufficient distress such justices are hereby authorized and required to commit the person or persons so offending to the common goal of the city, county, town, or place, where such offence shall be committed, there to remain without bail or mainprize for any term or time not exceeding three months.

On default of distress, imprisonment not above 3 months.

Appeal to sessions,

XIV. And be it declared and enacted by the authority aforesaid, That if any person or persons shall think him or themselves aggrieved by such distress, sale, or imprisonment, he or they may appeal to the next general quarter-sessions of the peace to be holden for the county, city, town, or place, where such distress, sale, or imprisonment was made, who are hereby impowered to hear and finally determine the same, and to award such costs to the party, who shall appear to be aggrieved by such appeal, as they shall think reasonable.

where costs awarded.

A car-load of brick, 125: of stones 500 weight: slack-lime, 64 gallons *per* hogshead.

XV. And be it enacted by the authority aforesaid, That if any carter, carman, loader, or other person or persons concerned, shall deliver false or unusual measure, weight, or quantity, either in bricks, lime, stone, or sand (which usual weight, measure, and quantity, is hereby declared to be in brick one hundred and twenty five to the car-load, in slack lime sixty four gallons to the hogshead, and in stones five hundred weight to the carr-load) or any other materials requisite and necessary in building, which false measure, weight, or quantity, is commonly called by workmen running a brick, or shall wilfully endeavour to impose a false account of any such delivery on the person or persons, to whom the same are to be delivered, every such offender, being thereof lawfully convicted upon the oath or oaths of one or more credible witness or witnesses before any one or more justices of the peace within their respective jurisdictions, shall for every such offence forfeit and pay the sum of twenty shillings *sterling*; the same to be levyed by distress and sale of the offen-

Delivering false measure, &c. for building.

Penalty 20 s. before a justice,

ders goods and chattels in manner as is before mentioned, and for want of diſtreſs ſhall be committed to the houſe of correction, there to remain and be kept to hard labour for any time not exceeding three months.

on default of diſtreſs, ſent to houſe of correction 3 months.

XVI. And whereas the quick and ſudden decay of the buildings and edifices in the city of Dublin, as well as the frequent fires happening therein, are generally owing to the improper placing of timber in brick or ſtone work, and through party-walls: be it enacted by the authority aforeſaid, That from and after the twenty fifth day of March one thouſand ſeven hundred and thirty if any maſon, bricklayer, or other workman, ſhall lay, or cauſe to be layed, any beam, joyee, or piece of timber whatſoever, in any party, front, or back-wall of any houſe within the city of Dublin, or within any other city or town in this kingdom, in ſuch a manner that it ſhall appear through the ſame, or ſhall lay it within four inches of the outſide of the ſaid wall, or ſhall build or repair from the foundation any brick or ſtone-walls upon timber, ſo that the ſame ſhall bear or depend thereon (except what timber ſhall be neceſſary in ſecuring foundations, or for making ſhop-windows and doors) ſuch perſon or perſons ſo offending, being thereof lawfully convicted upon the oath or oaths of one or more credible witneſs or witneſſes before any two or more juſtices of the peace within their reſpective juriſdictions, ſhall for every ſuch offence forfeit and pay the ſum of five pounds *ſterling*; one half thereof to be given to the informer, and the other half to the poor of the pariſh; the ſame to be levyed by diſtreſs and ſale of the offenders goods and chattles in manner as is herein before mentioned; and for want of ſufficient diſtreſs ſhall be committed to the common goal of the city, county, town, or place, where ſuch offence ſhall be committed, there to remain without bail or mainprize for the ſpace of three months, or till ſuch time as the ſaid ſum of five pounds *ſterling* ſhall be fully ſatisfied and paid.

7 Anne 17. *ſec.* 12. *Eng.* To prevent decay in buildings, and frequent fires, no timber in any party-wall, &c. in city or town, ſo as to appear through, nor within 4 inches of the outſide; nor any brick or ſtone wall bear on timber, unleſs neceſſary in foundations, or for ſhop-windows or doors.

Penalty 5 l. to the poor and informer, or impriſonment 3 months.

CHAP.

A. D. 1729.

CHAP. XV.

An act for the more ſpeedy tryal of criminals in the county of the city of Dublin, and county of Dublin.

Cauſes of making this act,

WHEREAS of late years by the great increaſe of the inhabitants of the county of the city of Dublin, and county of Dublin, murthers, felonies, and other crimes and offences are more frequently committed than heretofore, by reaſon whereof the goals of the ſaid counties are generally filled with priſoners, and ſeveral perſons committed after term for murther and other crimes made treaſon by act of Parliament, and divers felons are frequently obliged to continue in confinement during a long vacation, in regard ſuch traytors and felons cannot be tryed at the general quarter-ſeſſions of the peace held for ſuch counties, the power and authority of the juſtices of the peace not extending to the tryal of treaſons, nor to all felonies: and whereas it may be of great ſervice to the publick, that the ſaid goals ſhould be frequently delivered of the priſoners, not only to prevent infection therein but alſo that the innocent may not be long deprived of their liberty, and that the guilty may be puniſhed to deter others from the like evil and wicked practices, which cannot effectually be done, unleſs ſpecial commiſſions of oyer and terminer and goal delivery do iſſue, and be from time to time continued by adjournment, as occaſion may require, for the tryal of all the priſoners in the ſaid goals: and foraſmuch as bills of indictment by the law, as it now ſtands, are to be found, and the perſons indicted tried in the counties, where the ſaid crimes and offences are done and committed, the end and deſign of ſuch commiſſions cannot have the deſired effect, nor be ſo conveniently executed for the eaſe and benefit of his Majeſty's ſubjects, unleſs a proper place is appointed in the city of Dublin by authority of Parliament, where the commiſſioners appointed for the county of Dublin, as well as for the county of the city of Dublin, may at the ſame place and meeting execute ſuch commiſſions for the tryal of all crimes and offences within their commiſſions ariſing and committed in the county of Dublin, as well as the county of the city of Dublin: and whereas that part of the King's courts, where the court of King's bench ſits, and the area thereunto belonging, will be a fit and convenient place to anſwer the purpoſes aforeſaid; be it therefore enacted

crimes more frequent, by increaſe of inhabitants in Dublin and the county:

the gaols ſhould be frequently delivered, &c.

King's bench, chambers and area, both in the county and county of city of Dublin, for

ated by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all that part of the King's courts in Dublin, where his Majeſty's court of King's bench ſits during the terms, and the chambers and area belonging to it, ſhall for ever hereafter be taken and deemed to be, and are hereby declared and enacted to be, both in the county of the city of Dublin, and county of Dublin, for the purpoſes following: (that is to ſay) that the commiſſioners appointed by virtue of any commiſſion of oyer and terminer, or of goal delivery, under the great ſeal of this kingdom for the county of the city of Dublin, or for the county of Dublin, ſhall be and are hereby authorized and impowered to meet and ſit, if the ſaid commiſſioners ſhall think fit, during the vacations after the terms, in that part of the King's courts where his Majeſty's court of King's bench ſits, and there to deliver the goals of the ſaid reſpective counties; and alſo that the commiſſioners and grand-juries of the ſaid reſpective counties may at the ſaid place reſpectively enquire of, preſent, hear, and determine all crimes and offences of what nature or kind ſoever done, perpetrated, and committed, either by principals or acceſſaries in the county of the city of Dublin, or county of Dublin reſpectively, which ſuch reſpective commiſſioners are impowered and authorized to hear and determine by virtue of ſuch commiſſions reſpectively, in like manner and form, and to all intents and purpoſes, as if ſuch commiſſions had been actually executed in ſome place within the ſaid county of the city of Dublin, or county of Dublin reſpectively; and that all precepts, rules, orders, indictments, verdicts, judgments, and awards of execution iſſued, made, pronounced, found, given, or awarded, and all proceedings by and before ſuch reſpective commiſſioners during the vacations, ſhall be as good and valid to all intents and purpoſes whatſoever, as if the ſame were reſpectively iſſued, made, pronounced, found, given, or awarded, and the ſaid commiſſions reſpectively executed, at ſome place within the ſaid county of the city of Dublin, or county of Dublin, for which ſuch commiſſions had reſpectively iſſued.

commiſſioners of oyer and terminer, &c. to ſit in vacation, and deliver the gaols.

Commiſſioners and grand-juries reſpectively ſhall inquire, preſent, and determine all offences, as if ſuch commiſſions executed in a place within the county or county of city reſpectively;

and all proceedings valid.

II. And to the end that ſuch commiſſions may effectually be executed according to the intent of this act; be it further enacted by the authority aforeſaid, That the reſpective ſheriffs, ſubſheriffs, juſtices of the peace, coroners, goalers, bayliffs, and all officers of juſtice of the ſaid county of the city of Dublin, and county of Dublin, and all perſons of the ſaid reſpective counties impannelled and returned to be and appear upon any grand

The reſpective ſheriffs, &c. and perſons ſummoned on juries, ſhall attend, as if ſuch commiſſions executed in ſaid counties reſpectively.

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inqueſt or petty jury by virtue of ſuch commiſſions, and all other perſons dwelling and reſiding in the ſaid county of the city of Dublin or county of Dublin, if thereunto duly ſummoned, ſhall and are hereby required to attend the execution of ſuch commiſſions reſpectively at the place aforeſaid under the like pains, penalties, forfeitures, fines, and amerciaments, as if ſuch commiſſions were reſpectively executed at ſome place within the county of the city of Dublin or county of Dublin reſpectively.

Newgate the gaol of both counties.

III. And be it further enacted by the authority aforeſaid, That the goal of Newgate in the county of the city of Dublin ſhall from henceforth be deemed and taken to be a goal for the county of Dublin, as well as for the county of the city of Dublin, to anſwer the purpoſes aforeſaid in ſuch manner as is now practiſed by his Majeſty's court of King's bench; and that upon all rules, orders, or warrants of execution of any of the criminals convicted and condemned to die for any crime committed in the county of Dublin before ſuch commiſſioners, the ſaid commiſſioners ſhall and may, and are hereby impowered and authorized by any rule, warrant, or order, by them conceived to order and direct the ſheriffs of the county of the city of Dublin to be aiding and aſſiſting to the ſheriff of the county of Dublin in the execution of ſuch criminals at the common place of execution, lying in the liberties of the city of Dublin, in like manner as is now uſed and practiſed by the court of King's bench; any law to the contrary notwithſtanding.

Sheriffs of the county of the city ſhall aſſiſt ſheriffs of the county in execution of criminals, as practiſed by B. R.

Said commiſſioners for ſaid counties reſpectively ſhall execute all powers as commiſſioners of oyer, &c. might before this act;

and all proceedings valid as aforeſaid.

IV. And be it further enacted by the authority aforeſaid, That the ſaid commiſſioners for the ſaid counties reſpectively ſhall and may have and execute all and ſingular the powers, authorities, and juriſdictions, as commiſſioners of oyer and terminer or goal delivery have, or might execute, within their reſpective counties before the making of this act; and that all proceedings before them ſhall be as good and valid in law to all intents and purpoſes, as if ſuch commiſſions were executed in the county of the city of Dublin or county of Dublin reſpectively; any law or uſage to the contrary notwithſtanding.

CHAP.

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CHAP. XVI.

An act for the better regulating the fees of juſtices of the peace, and for diſabling alderman Thomas Wilkinſon, and alderman Thomas Bolton from acting as juſtices of the peace within this kingdom.

Fees of juſtices of peace too large;

WHEREAS the fees, uſually taken by ſeveral perſons executing the office of juſtice of the peace in this kingdom, are too large, and thereby complaints are greatly multiplied by vexatious perſons, in order to load and oppreſs the party accuſed with expence: be it therefore enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That no perſon acting as a juſtice of the peace within any county, county of a city or town, or any liberty or franchiſe, within this kingdom (other than the juſtices of his Majeſty's court of King's bench) ſhall for or in the execution of his ſaid office demand, have, take, or receive any other than the fees following: (that is to ſay) the ſum of ſix pence for each warrant, and for every recognizance the ſum of one ſhilling; and that no fee, recompence, or reward ſhall for the future be had, taken, or received by any ſuch juſtice of the peace for any warrant, recognizance, mittimus, diſcharge, or any other act to be done by ſuch juſtiee of the peace in the execution of his ſaid office, other than as aforeſaid.

complaints thereby multiplied.

No juſtice of peace (except B. R.) ſhall take any fee, except 6d. for a warrant, and for recognizance 1s.

II. Provided always, That nothing herein contained ſhall be conſtrued to enable any juſtice of the peace to take any fee or fees in any caſe of felony or treaſon.

Not to take fees in felony or treaſon.

III. And whereas perſons pretending to be or acting as clerks under ſuch juſtices of the peace frequently exact fees on pretence of their trouble in writing warrants, recognizances, mittimus's, and diſcharges, and upon other pretences: be it enacted by the authority aforeſaid, That where any ſuch perſon or clerk ſhall preſume to take or receive any fee, recompence, or reward, for or on account of his trouble, or on any other pretence whatſoever, in reſpect of his acting as clerk as aforeſaid, ſuch perſon for every ſuch offence ſhall forfeit the ſum of forty ſhillings to the party, who ſhall firſt give information in writing of any ſuch offence before any juſtice of the peace or chief magiſtrate of any city, town, or borough; to be recovered by civil bill in the

No juſtices clerk ſhall take any fee,

on pain of 40 s. to firſt informant in writing in a month, before a juſtice.

recovered by civil bill.

A. D. 1729. the ſame manner, that ſmall debts in a ſummary way are recoverable, provided ſuch information be made within a month after the offence committed.

Tho. Wilkinſon and Tho. Bolton guilty of oppreſſion, &c.

IV. And whereas alderman Thomas Wilkinſon and alderman Thomas Bolton, two of the juſtices of the peace for the city of Dublin, have been guilty of ſeveral oppreſſions in exacting exorbitant fees in the execution of their office contrary to their duty, and the truſts repoſed in them by the ſeveral charters of the ſaid city; and the ſaid alderman Thomas Wilkinſon hath acted corruptly in receiving money for the diſcharge of criminals in violation of his oath, and in open contempt of the known laws of this kingdom: be it therefore enacted by the authority aforeſaid, That they the ſaid Thomas Wilkinſon and Thomas Bolton be for ever hereafter diſabled and rendered incapable of acting as juſtices of the peace in or for the ſaid city of Dublin or elſewhere within this kingdom, any thing in the charters of the ſaid city of Dublin, or any of them, to the contrary in any wiſe notwithſtanding.

diſabled from acting as juſtices of peace.

This act read yearly at ſeſſions by the clerk,

V. And be it further enacted by the authority aforeſaid, That this act be read yearly in open court at every general Eaſter quarter-ſeſſions by the clerk of the peace or his deputy; and in caſe ſuch clerk or deputy ſhall neglect to read the ſame at ſuch quarter-ſeſſions, he ſhall forfeit for ſuch offence the ſum of forty ſhillings, to be recovered by civil bill by any perſon who ſhall firſt ſue for the ſame at the next aſſizes to be held for the county, where ſuch quarter-ſeſſions are held.

penalty 40s. by civil bill,

CHAP. XVII.

An Act for the better enabling the governors of the work-houſe of the city of Dublin to provide for and employ the poor therein, and for the more effectual puniſhment of vagabonds; and alſo for the better ſecuring of and providing for lunaticks and foundling children.

19 G. 2. 21.

WHEREAS the act made in this kingdom the laſt ſeſſion of Parliament, intituled, *An act for the better regulating the work-houſe of the city of Dublin, and to regulate and provide for the poor thereof, and to prevent miſchiefs which may happen by keeping gunpowder within the ſaid city*, hath in many caſes been found inſufficient, not only in the methods thereby directed for collecting the ſeveral funds made payable to the work-houſe for the ſeveral uſes in the ſaid act preſcribed, but alſo for the commitment and puniſhment of vagabonds and ſturdy beggars: for remedy whereof be it enacted by the King's moſt excellent

1 G. 2. 27. inſufficient, as to collecting funds for work-houſe, and commitment of vagabonds.

cellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the church-wardens of the ſeveral and reſpective pariſhes, impowered by the ſaid recited act to levy the duties upon houſes within the ſeveral pariſhes of the city of Dublin, and within the liberties of Saint Sepulchre's, Thomas-court, and Donore, thereto adjoyning, and within the liberties Chriſt-church and Saint Patrick's, ſhall after the twenty fifth day of March one thouſand ſeven hundred and thirty at the end of every ſix months at fartheſt collect the ſaid duty upon houſes, and lay before the governors of the work-houſe of the city of Dublin an account of the produce of the ſaid reſpective ſums of money charged as aforeſaid and by them received, and, if thereunto required by the ſaid governors, render the ſaid account upon oath, and pay the ſame into the hands of the receiver of the ſaid work-houſe appointed by the governors thereof; whoſe receipt or acquittance for ſo much, as is received, ſhall be a ſufficient diſcharge to the ſaid church-wardens.

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Church-wardens thereby impowered to levy duties on houſes in Dublin and liberties ſhall at end of 6 months collect and account before governors of work-houſe, 5 G. 2. 14.

on oath, if required, and pay to receiver appointed.

II. And be it further enacted by the authority aforeſaid, That in caſe ſuch church-warden or church-wardens ſhall forſwear himſelf or themſelves in giving in ſuch account, and be thereof lawfully convicted, he or they ſhall incur the ſame penalties as a perſon convicted of perjury at common law; and in caſe ſuch church-warden or church-wardens ſhall refuſe or neglect to collect, account for, or pay the ſaid duty upon houſes every ſix months without ſome lawful cauſe, to be approved of by the ſaid governors of the work-houſe, ſuch church-warden or church-wardens ſhall forfeit the ſum of fifty pounds for every ſuch default; to be recovered by action of debt, bill, plaint, or information, in any of his Majeſty's courts of record in Dublin, and to be applied to the uſe of the ſaid work-houſe.

Incur penalties for perjury at common law:

Penalty for refuſal or neglect 50 l. 5 G. 2. 14. *further inforced.*

to the work-houſe.

III. And whereas the proviſions made by the before recited act for valuing the houſes, which now are or hereafter ſhall be built in places *extra parochial*, and collecting the duties ariſing thereout, have proved ineffectual: be it enacted by the authority aforeſaid, That ſuch valuation ſhall be made and aſcertained by four of the inhabitants of ſuch places *extra parochial*, to be named and appointed for that purpoſe by the miniſter and church-wardens of ſuch pariſh contiguous or adjoyning to ſuch *extra parochial* place, as the court of aſſiſtants of the governors of the work-houſe for the time being ſhall think fit to nominate or appoint; which valuation, when made by the ſaid four perſons, ſhall be returned by them to the ſaid court of aſſiſtants with an affidavit

Valuation of houſes *extra parochial* ſhall be made by 4 inhabitants, named by ſuch miniſter and church-wardens contiguous, as court of aſſiſtants appoint, 19 G. 2. 21. *if not in 1 month, by 15 governors.*

returned to ſaid court, with affidavit

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affidavit thereto annexed, to be by them made before one of his Majeſty's juſtices of the peace of the county of the city of Dublin, or county of Dublin, where ſuch *extra parochial* houſes lye; (which oath ſuch juſtice of the peace is hereby required to adminiſter) purporting that ſuch valuation was made by them according to the beſt of their ſkill and knowledge, and without partiality or favour to any perſon or perſons concerned or intereſted in ſuch valuation; which ſaid ſum of three pence in the pound, ſo charged on all ſuch houſes *extra parochial*, ſhall be collected by the church-wardens of ſuch adjoining pariſh, the miniſter and church-wardens whereof were by the ſaid court of aſſiſtants appointed to name the perſons to make the aforeſaid valuation in the ſame manner, and to be accounted for and paid to the ſaid governors of the ſaid work-houſe by the ſaid church-wardens, under the ſame penalties, and ſubject to the like forfeitures, as the church-wardens of any other pariſhes are ſubject and lyable to by this or the ſaid former act.

before a juſtice.

3 d. *per* l. charged on ſuch houſes, collected by ſuch church-wardens, and accounted for as by thoſe of other pariſhes.

IV. And whereas in and by the ſaid before recited act it is enacted, "That the ſaid aſſiſtants, or any five or more of them, "ſhould conſtitute and depute ſuch and ſo many perſons as they "ſhouid judge neceſſary, who ſhould have full power and authori"ty to ſeize and apprehend, and bring before the ſaid aſſiſtants, "or any five or more of them, any ſturdy beggar or beggars, or "other idle vagabond or vagabonds, that ſuch perſon or perſons "ſo deputed ſhould know, find, or be informed of, to be begging, "ſtroling, or frequenting any of the ſtreets or houſes within the "ſaid city or ſuburbs of Dublin, or the liberties thereunto ad"joyning; and the ſaid aſſiſtants, or any five or more of them, "were thereby impowered by warrant under their hands and ſeals "to commit the ſaid perſons, who ſhould from time to time be "ſo apprehended, and brought before them, to the ſaid work"houſe, there to be confined and kept to hard labour, if they "thought fit, until the next general court of aſſembly, where "ſuch ſturdy beggar or beggars, idle vagabond or vagabonds, "ſhould be brought and examined by the ſaid governors:" and whereas it hath been found by experience, that ſeveral ſturdy beggars and vagabonds have been apprehended, and before a warrant could be obtained from five or more of the ſaid aſſiſtants for the commitment of ſuch perſons to the ſaid work-houſe, they have eſcaped the puniſhment by the ſaid act intended to be inflicted on them: for remedy whereof be it enacted by the authority aforeſaid, That from and after the twenty fifth day of March one thouſand ſeven hundred and thirty each and every beadle or bell-hour of each and every pariſh within the ſaid

Vagabonds apprehended purſuant to 1 *G.* 2. 27. *Sec.* 30. have eſcaped before a warrant from 5 aſſiſtants could be obtained.

In Dublin, *&c.* every beadle, bell-hour, *&c.* or any inhabitant calling their aſſiſtance may apprehend vagabonds and beggars, 19 *G.* 2. 21. 23 *G.* 2. 11.

ſaid city or ſuburbs of Dublin, or the liberties thereto adjoyning, and each and every conſtable within their reſpective diſtricts or juriſdictions, and each and every pariſhioner or inhabitant in any of the pariſhes aforeſaid, calling to his or her aſſiſtance the beadle of the pariſh or a conſtable, ſhall have full power and authority to ſeize and apprehend, and bring before any one member of the court of aſſiſtants appointed by the ſaid recited act any ſturdy beggar or beggars, or other idle vagabond or vagabonds, that ſuch beadle or bell-hour, conſtable, pariſhioner, or inhabitants, ſhall know, find, or be informed of, to be begging, ſtrolling, or frequenting any of the ſtreets or houſes within the ſaid city or ſuburbs of Dublin or the liberties thereunto adjoyning; and the ſaid member of the court of aſſiſtants is hereby impowered by warrant under his hand and ſeal to commit the ſaid perſons, who ſhall from time to time be ſo apprehended and brought before him, to the ſaid work-houſe, there to be confined and kept to hard labour, if he thinks fit, until the next general court of aſſembly, where ſuch ſturdy beggar or beggars, idle vagabond or vagabonds, ſhall be brought and examined by the ſaid governors and court of aſſiſtants; and if the ſaid governors, not being leſs than fifteen in number, ſhall ſee ſufficient cauſe, they ſhall and may confine ſuch ſturdy beggar or beggars, idle vagabond or vagabonds, in the ſaid work-houſe for any term not longer than four years, there to be kept to hard labour, or otherwiſe employed, as they ſhall ſee cauſe; and if any beadle, bell-hour, or conſtable ſhall, when called, neglect or refuſe to ſeize, and apprehend, and bring before any one of the members of the ſaid court of aſſiſtants any ſturdy beggar or beggars, or other idle vagabond or vagabonds, that ſhall be found begging or ſtroling in any of the ſtreets or houſes within the ſaid city or ſuburbs of Dublin or the liberties thereunto adjoyning, that then ſuch beadle, bell-hour, or conſtable, ſo neglecting or refuſing when called upon as aforeſaid, ſhall for every ſuch offence forfeit and pay to the governors of the ſaid work-houſe for the uſe of the ſaid houſe the full ſum of twenty ſhillings, to be recovered in caſe of nonpayment by diſtreſs and ſale of the goods and chattels of ſuch offender or offenders by warrant under the hands of the ſaid aſſiſtants preſent at any ſuch general court of aſſembly, or any five or more of them; which warrant they, or any five or more of them, on complaint and proof made of ſuch neglect or refuſal are hereby required and impowered to grant.

and bring before 1 of the aſſiſtants,

who may commit them to work-houſe, if he thinks fit, till next general aſſembly,

examined there,

and confined, &c. if 15 governors ſee cauſe, 4 years. 5 G. 2. 14. *may be committed to bridewel.*

Penalty on beadle, &c. for neglect, when called upon, 20 s. to the work-houſe;

levied by warrant of 5 aſſiſtants.

V. And whereas in and by the ſaid recited act it is enacted, "That all and every poor child or children found or taken up "within the city or liberties, which ſhould be left to be main-"tained

1 G. 2. 27. *Sec.* 26. Foundlings received and kept in work-houſe till 21. 5 G. 2. 14.

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" tained by any parish or parishes in the said city or liberties a-
" foresaid, who were unable to support themselves, should from
" and after the age of six years be admitted and received into
" the said work-house, and there be taught to read and write, and
" thoroughly instructed in the principles of the protestant religi-
" on of the church of Ireland as by law established, and as the
" male children should be severally fit and capable, such male
" children should be taught and instructed in such trades or call-
" ings, as the said governors, fifteen at least being present, should
" direct and appoint, and should be severally employed in such
" trades and callings within the said house, until they should re-
" spectively attain the age of twenty one years, at which age they
" should be severally discharged from their service, and receive a
" certificate under the common seal of the said corporation, no-
" tifying his or their having been brought up and educated in
" the said house, and of his or their having been instructed in
" such trade or profession as he and they had been taught;" and whereas the poor male-children, which are and may be received into the said work-house, and continued therein, according to the direction of the said recited act, until they shall severally attain the age of twenty one years, may become so numerous, that the funds by the said act appropriated for the maintenance of the said work-house, may fall short of answering that and the many other purposes thereby intended: for remedy whereof be it enacted by the authority aforesaid, That the said governors of the work-house fifteen at least being present, or the said court of assistants, or any five or more of them, shall and may place out apprentices such and so many of the male children admitted into the said house to such art, trade, or calling, or to the sea-service, or to gentlemen or house-keepers, who shall think fit to take the same for servants, for any term or time not exceeding seven years, as the said governors of the work-house, fifteen at least being present, or the said court of assistants, or any five or more of them, shall judge necessary and expedient.

15 governors or 5 assistants may place out the male children apprentices, or to the sea, or for servants 7 years.

By 1 G. 2. 27. *Sec.* 26. Foundlings maintained till 6 by the parish,

VI, And whereas by the said act, the exposed and foundling children in the city of Dublin are to be maintained by the respective parishes, in which they shall be found, till they arrive at the age of six years, at which age they are to be received into the work-house of the said city: and whereas the minister, church-wardens, and parishioners of the several parishes of the said city and liberties adjoyning are obliged every year to make and settle a parish-cess for so much money, as they shall judge necessary, for relieving and maintaining the said foundlings, to be equally applotted on the several houses in proportion to the ministers-

by a cess on houses, which frequently amounts to more than what paid to the work-house.

niſter's money; which ceſs in many pariſhes amounts to more money, than what the ſaid pariſhes pay to the ſaid work-houſe: and whereas, to avoid the ſaid expence, it is notorious, that a wicked and deteſtable practice hath been carried on in ſome pariſhes, if not throughout the whole city, of lifting or running from one pariſh to another the ſaid foundlings, to the utter ruin and deſtruction of them: for remedy of which abuſe, and for the preſerving the lives of the ſaid children, be it enacted by the authority aforeſaid, That from and after the twenty fifth day of March in the year one thouſand ſeven hundred and thirty the governors of the ſaid work-houſe ſhall receive from the church-wardens of the reſpective pariſhes of the ſaid city and liberties adjoyning all the expoſed and foundling children, that ſhall then be in the ſaid city and liberties thereunto adjoyning under the age of ſix years, and from thenceforward the ſaid governors ſhall alſo receive from the ſeveral church-wardens of the ſaid pariſhes every child, that ſhall be hereafter expoſed and found in the ſtreets of the ſaid city and liberties adjoyning.

To prevent the wicked practice of running foundlings from one pariſh to another, and preſerve their lives.

The governors ſhall receive from church-wardens foundlings under 6, and every child hereafter expoſed:

VII. And in order that the ſaid governors may be enabled to relieve and maintain the ſaid children, till they ſhall arrive to the age of ſix years, at which age they are by virtue of the ſaid act to be received into the ſaid work-houſe; be it enacted by the authority aforeſaid, That all and every houſe and houſes in the ſaid city and liberties adjoyning, already charged or to be charged by the ſaid act with the ſum of three pence in the pound for every pound of the yearly value of every ſuch houſe or houſes, as the valuations are returned for the collection of miniſter's money in the city and liberties aforeſaid, and where ſuch houſes are not valued to the miniſter, according as they are or are to be valued, after the manner appointed by the ſaid act, be from and after the twenty fifth day of March, which ſhall be in the year one thouſand ſeven hundred and thirty, charged with an additional ſum of three pence in the pound according to the ſaid proportion, to be paid to the governors of the ſaid work-houſe, and to be collected, accounted for, and paid by the church-wardens of the ſaid reſpective pariſhes, after the ſame manner, and under the ſame and the like forfeitures and penalties, as the former ſum of three pence in the pound is appointed to be collected by this and the former act; which ſaid additional three pence ſhall be levyed, collected, and raiſed for the uſes aforeſaid for the term and ſpace of two years, and from thence to the end of the then next ſeſſion of Parliament, and no longer; and that during the ſaid term no money ſhall be levyed by veſtry for the maintenance of foundlings in the ſaid city of Dublin and liberties adjoyning; any law, uſage, or cuſtom to the contrary notwithſtanding.

for their maintenance till 6, an additional charge of 3 d. *per* l. on houſes, as valued in, and collected as by, the ſaid act; 19 G. 2. 21. *exceedings on other funds applied.*

to continue 2 years, &c. 5 G. 2. 14. *continued for like term as the former* 3d. 19 G. 2. 21. *continued* 21 *years.* &c. during which no money at veſtry for their maintenance;

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applied to no other uſe: the governors ſhall keep a ſeparate account thereof.

VIII. And be it further enacted by the authority aforeſaid, That the ſaid additional ſum of three pence in the pound ſhall be applied towards the maintaining of and providing for foundling children within the ſaid city and liberties under the age of ſix years, and to no other uſe, intent, or purpoſe whatſoever; and that the ſaid governors of the ſaid work-houſe ſhall in a book for that purpoſe enter and keep a ſeparate and diſtinct account of all ſuch ſum and ſums of money, as ſhall from time to time be raiſed and levyed on account of the ſaid additional three pence by virtue of this act, and likewiſe an account in what manner and to what uſes the money ſo levyed has been expended or applyed.

1 G. 2. 27. *Sec.* 11. & 14. evaded by aſſignment of licences.

IX. And whereas by the before recited act it is alſo enacted, "That the ſaid governors, fifteen at leaſt being preſent, ſhould "have power and authority under their common ſeal from and "after the firſt day of May one thouſand ſeven hundred and "twenty eight to licence all ſuch perſons, as ſhould keep, drive, "or carry any hackney coach or coaches, chairs or ſedans, and "all carts or cars plying for hire, and all brewers drays or cars "within the ſaid city or liberties thereunto adjoining; and that "no perſon or perſons, to whom ſuch licence for keeping chairs "ſhould be granted as aforeſaid, ſhould in his own name, or in "the name of any other perſon for his, or her, or their uſe, or "in truſt for him, her, or them, have at any one time more than "two ſuch licenſed chairs;" notwithſtanding which the intent of the ſaid clauſe hath been evaded, and ſeveral perſons by aſſignment or other colluſive means have poſſeſſed themſelves of more than two chairs or ſedans contrary to the intent of the ſaid act: for remedy whereof be it enacted by the authority aforeſaid, That from and after the twenty fifth day of March one thouſand ſeven hundred and thirty no perſon or perſons, who now is or hereafter may be poſſeſſed of a licence for keeping a chair or ſedan for hire, ſhall transfer or aſſign the ſame to any other perſon or perſons without the licence and conſent of the ſaid court of aſſiſtants, or any five or more of them, ſignified in writing under their hands and ſeals for that purpoſe; and if any perſon or perſons, poſſeſſed of a licence for keeping a chair or ſedan for hire, do or ſhall transfer or aſſign the ſame to any other perſon or perſons without the conſent of the ſaid court of aſſiſtants, or any five or more of them, ſignified as aforeſaid, every ſuch ſale and aſſignment, made contrary to the intent hereof, ſhall be null and void, and the licence or licences thereby aſſigned ſhall be forfeited to the ſaid governors of the ſaid work-houſe for the uſe of the ſaid work-houſe.

Licences for chairs for hire ſhall not be aſſigned without conſent of 5 aſſiſtants in writing,

on pain of forfeiture to the governors.

X. And whereas ſeveral perſons have obtained licences for keeping hackney coaches for hire in and about the city of Dublin, and

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and the liberties thereto adjoining, and have not put up coaches conformable thereto; whereby the publick is not only deprived of their uſe and conveniency, but alſo the ſaid work-houſe of the yearly rents payable for ſuch hackney coaches: for remedy whereof be it enacted by the authority aforeſaid, That if any perſon, who hath obtained a licence for keeping a hackney coach for hire, do not or ſhall not on or before the twenty fifth day of June one thouſand ſeven hundred and thirty keep and maintain a hackney coach for every ſuch licence obtained for the uſe and conveniency of the publick, that then each and every perſon, who ſhall neglect or refuſe ſo to do, without giving reaſons for ſuch neglect or refuſal to the ſaid court of aſſiſtants, or any five or more of them, to be approved of by them, ſhall forfeit and pay to the ſaid governors and their ſucceſſors for the uſe of the ſaid work-houſe the juſt and full ſum of five pounds, to be recovered by the ſaid governors in ſuch and the ſame manner as the ſeveral other penalties and forfeitures, in the ſaid recited act mentioned againſt the drivers or keepers of coaches without licence, are to be recovered.

Not keeping a coach after licence, without giving reaſons approved by 5 aſſiſtants,

Penalty 5 l. to the governors,

recovered as penalties for driving without licence.

XI. And whereas in and by the before recited act, it is enacted, "That no coachman licenſed, nor driver of ſuch coach, "ſhall preſume to take for his hire in and about the city of Dub- "lin above the rate of thirteen pence for the firſt hour, and ſix "pence halfpenny for every hour after, and ſix pence halfpenny "for ſetting down any perſon or perſons in any place of the ſaid "city or liberties aforeſaid as far as the publick lights are "erected:" and whereas many perſons at night have frequently occaſion for coaches to carry them to their reſpective habitations, and, when coaches have been called and kept waiting, the drivers thereof have inſiſted on a greater ſum for hire, than by the ſaid act is preſcribed, and ſometimes do refuſe to bring out their coaches, alledging their hire is not ſufficient to recompenſe them for bringing out their horſes and keeping them waiting at ſuch unſeaſonable times, by means whereof diſputes frequently happen, and the perſons wanting a coach are diſappointed of ſuch a conveniency, when they ſtand in moſt need thereof: for remedy whereof be it enacted by the authority aforeſaid, That from and after the twenty fifth day of April one thouſand ſeven hundred and thirty each and every hackney coachman licenſed, or the driver of each and every ſuch hackney coach, who ſhall be ſent for and kept in waiting by any perſon or perſons after the hour of ten a clock in the evening, ſhall have, receive, and be paid for the ſetting down of any perſon or perſons in any place of the ſaid city of Dublin, or the liberties aforeſaid, as far as the publick lights are erected, the ſum of nine pence; and for waiting after the ſaid hour of ten a clock in the evening the ſum of fifteen pence for the

Inſtead of fums paid for coach-hire by 1 G. 2. 27. *Sec.* 13.

for ſetting down after 10 in the evening, 9 d.

for waiting after 10, 15 d. firſt hour, 9 d. after.

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the firſt hour, and the ſum of nine pence for every hour after, inſtead of the hire or wages in and by the ſaid recited act preſcribed; any thing therein contained to the contrary notwithſtanding.

Porters for hire ſhall enter their names with the governor's clerk,

XII. And whereas it very much tends to the eaſe and ſecurity of the inhabitants of the city of Dublin and liberties thereof, that the ſeveral perſons, uſually plying as porters for hire in and about the ſaid city and liberties, may be found out and diſcovered, in caſe they ſhall not perform faithfully their duty to their employer: be it enacted by the authority aforeſaid, That from and after the twenty fifth day of April one thouſand ſeven hundred and thirty each and every perſon, who plies for hire as a meſſenger or porter within the ſaid city and liberties, ſhall be and is hereby required to enter his name in a book to be kept by the clerk or officer of the ſaid governors, who ſhall be appointed for that purpoſe, and

ſecurity for behaviour,

ſhall alſo give ſuch ſecurity to the ſaid governors for his faithful and honeſt behaviour, as the ſaid governors ſhall approve of; and when they ſhall have ſo regiſtred their names, and given ſuch ſecurity, that then the ſaid governors, or the perſon or perſons by them appointed, ſhall deliver to the ſaid porter or porters a badge

and wear a badge on outward garment,

or ticket, to be conſtantly worn on their outward garment in publick view by ſuch porter and porters, to denote his and their being regiſtred as aforeſaid; on which ſaid badge or ticket there ſhall be ſuch marks and inſcriptions, as the ſaid governors ſhall think proper; for each of which ſaid badges or tickets, that ſhall

6d. paid for each badge.

be worn by ſuch porter or porters, there ſhall be paid the ſum of ſix pence, and no more; and if any perſon or perſons ſhall ply for hire as a porter without being regiſtred and badged as aforeſaid, that on complaint thereof made to the ſaid governors, they the ſaid governors, or any five or more of them, ſhall, if they find

Porters plying without badges, committed to houſe of correction, not above 10 days.

ſufficient cauſe, commit ſuch perſon or perſons ſo offending to the houſe of correction, there to be confined for any term not exceeding ten days, and have ſuch correction given to him and them, as the ſaid governors, or any five or more of them, ſhall think proper.

CHAP.

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CHAP. XVIII.

An act for repairing the road leading from the city of Dublin to Kilcullen-Bridge, in the county of Kildare.

7 G. 2. 16.

WHEREAS the highway or road leading from the city of Dublin through Kilmainham and Rathcool to the town of Naas, and from thence to Kilcullen-Bridge in the county of Kildare, by reaſon of ſeveral hollow ways, and of the many and heavy carriages frequently paſſing through the ſame, are become ſo ruinous and bad, that in the winter ſeaſon many parts thereof are impaſſable for waggons, carts, carrs, and carriages, and very dangerous for travellers, and cannot by the ordinary courſe appointed by the laws and ſtatutes of this realm be effectually mended and kept in good repair: wherefore, and to the intent that the ſaid highways or roads may with convenient ſpeed be effectually amended, and hereafter kept in good and ſufficient repair, ſo that all perſons may travel through the ſame with ſafety; be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That for the better ſurveying, ordering, amending, and keeping in repair the ſaid highway or road it ſhall be in the power of the lord archbiſhop of Dublin for the time being, the right honourable Robert earl of Kildare, the right honourable Chaworth earl of Meath, the right honourable Edward earl of Drogheda, the right honourable Algernoon earl of Mountrath, the right honourable Richard earl of Roſs, the right honourable Joſhua lord viſcount Allen, the right honourable Brabazon lord viſcount Duncannon, the lord biſhop of Kildare for the time being, the right honourable William lord baron of Howth, the right honourable Henry lord baron of Santry, the right honourable Marmaduke Coghill eſquire, the right honourable James Tynte eſquire, the honourable Edward Brabazon eſquire, the honourable William Ponſonby eſquire, the honourable Richard Allen eſquire, the honourable Byſſe Moleſworth eſquire, the honourable Thomas Medlycott eſquire, Sir Compton Domvile baronet, Sir Walter Burrows baronet, Maurice Keating eſquire, Richard Warburton eſquire, Thomas Carter eſquire, William Conolly eſquire, Agmondiſham Veſey, Luke Gardner, Thomas Burgh, Samuel Burton, James Coghill, Anthony Sheppard junior, John Bourk, Edward Bolton, Robert Burton, Richard Weiſley, Edward Stratford, Thomas Burgh junior, Charles Hamilton, Richard Warren,

Said road not to be repaired by the ordinary courſe.

For repairing ſaid road truſtees appointed,

23 G. 2. 16. *may ſue and be ſued by name of truſtees, &c. as if incorporated.*

and muſt have 50 *l.* per ann. *freehold, or* 1000 *l. perſonal.*

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John Graydon, Abraham Creighton, Robert Dixon, Warden Flood, David Chaigneau, Edward Pearce, Marcus Anthony Morgan, Nicholas Aylward, John Stratford, Thomas Tilſon, Boleyn Whitney, Thomas Tickell, Joſeph Leeſon junior, John Digby, Clement Barry, Bruno Brown, William Todd, Thomas Keating, William Bourgh, Richard Keating, Robert Harman, Lawrence Steel ſenior, John Warburton, Richard Whitſhed, Phineas Bowles, John Folliot, Murragh Graydon, Chettwood Euſtace, Richard Nevill of Fornace, George Warren, Francis Anneſly, Charles Aylmer, Lawrence Steele junior, James Medlicott, Alexander Burtows, Theobald Bourk, John Faulkner, Lewis Jones, Alexander Graydon, James Euſtace of Yeomanſtown, Robert Dillon of Clonbrock, Richard Nuttall and Roſs Fox eſquires, Patrick Lattin, John Bates, George Graydon, Philip Dunn, William Carbery, John Ottwell, Daniel Carthy, Robert Cairnes, Joſiah Jackſon, and Ottwell poſtmaſter, gentlemen, who are hereby nominated and appointed truſtees of the ſaid roads, and the ſurvivors of them, that they, or any five or more of them, or ſuch perſon or perſons as they, or any five or more of them, ſhall authorize and appoint, ſhall and may erect, or cauſe to be erected, one or more gate or gates, turnpike or turnpikes, in, upon, or croſs any part or parts of the ſaid highways or roads; and alſo a toll-houſe or toll-houſes, and there ſhall receive and take the tolls and duties following before any horſe, mare, or gelding, cattle, coach, berlin, chariot, calaſh, chaiſe, chair, waggon, wain, cart, carr, or other carriage, ſhall be permitted to paſs through the ſame: *viz.* for every coach, berlin, chariot, calaſh, chaiſe, or chair, drawn by ſix horſes or more, the ſum of one ſhilling; and for every coach, berlin, chariot, calaſh, chaiſe, or chair, drawn by any leſs number of horſes than ſix, and more than one, the ſum of ſix pence; for every waggon, wain, cart, or carriage with four wheels, the ſum of ſix pence; for every wain, cart, or carriage with two wheels, having more than one horſe, mare, or gelding, the ſum of two pence; for every carr or other carriage having but one horſe, mare, or gelding, the ſum of one penny; for every horſe, mare, gelding, mule, or aſs, laden or unladen, and not drawing, a halfpenny; for every drove of oxen, or neat cattle, the ſum of ten pence *per* ſcore, and ſo in proportion for any greater or leſſer number; for every drove of calves, hogs, ſheep, or lambs, the ſum of five pence *per* ſcore, and ſo in proportion for any greater or leſſer number; which ſaid reſpective ſum and ſums of money ſhall be demanded and taken in the name of or as a toll or duty, and the money ſo to be raiſed as aforeſaid is and ſhall hereby be veſted in the ſaid truſtees, and the ſame and every

any 5 may cauſe turnpike gates and houſes to be erected on any part,

and take toll,

1 s. for a coach, &c. drawn by 6 horſes:

more than ne, 6 d.

4 wheeled waggons, &c. 6 d.

2 wheeled, and more than 1 horſe, 2 d.

drawn by 1 horſe, 1 d.

a horſe not drawing, 1 halfpenny.

Oxen, &c. 10 d. *per* ſcore.

Calves, &c. 5 d.

7 G. 2. 16. *ſaid toll altered.*

every part thereof ſhall be paid, applied, diſpoſed of, and aſſigned to and for the ſeveral uſes, intents, and purpoſes, and in ſuch manner, as is herein after mentioned and directed; and the ſaid truſtees, or any five or more of them, are hereby impowered by themſelves, or any perſon or perſons by them, or any five or more of them, under their hands and ſeals thereunto authorized, to levy the toll or duty hereby required to be paid upon any perſon or perſons, who ſhall, after demand made thereof, neglect or refuſe to pay the ſame, by diſtreſs of any horſe or horſes, or other cattle or goods, upon which ſuch toll or duty is by this act impoſed, or upon any other of the goods and chattles of ſuch perſon or perſons who ought to pay the ſame, and may detain and keep the ſame until ſuch toll or duty with the reaſonable charges of ſuch diſtraining or keeping ſhall be paid; and it ſhall and may be lawful to and for ſuch perſon or perſons ſo diſtraining, after the ſpace of five days after ſuch diſtreſs made and taken, to ſell the goods ſo diſtrained, returning the overplus (if any be) upon demand to the owner thereof, after ſuch toll, duty, and reaſonable charges for diſtraining and keeping the ſame ſhall be deducted and paid.

5 truſtees, &c. may levy, on refuſal, by diſtreſs, and ſell after 5 days.

II. And be it further enacted by the authority aforeſaid, That out of the firſt money ariſing from the profits of the ſeveral turnpikes ſo to be erected the ſaid truſtees, or any five or more of them, ſhall firſt pay and diſcharge the expence of procuring this act of Parliament, and of erecting ſuch turnpike or turnpikes, or building ſuch toll-houſe or toll-houſes; and from and after ſuch charges and expences ſhall be fully ſatisfied and paid, that then and from thenceforth the profits ariſing and the toll to be collected at any turnpike or turnpikes, to be erected and ſet up on the ſaid road leading from the city of Dublin to Kilcullen-Bridge in the county of Kildare, ſhall be applied for and towards the repair of the ſaid roads only, and not elſewhere.

Truſtees firſt ſhall pay charges,

and then to repair of the road.

III. And be it further enacted by the authority aforeſaid, That if any perſon or perſons whatſoever, owning, renting, or occupying any land near unto any turnpike to be erected in purſuance of this act ſhall for gain, reward, or otherwiſe wittingly or willingly permit any perſon or perſons whatſoever to paſs through any gate, paſſage, or way, with any coach, berlin, chariot, calaſh, chaiſe, or chair, waggon, wain, cart, carr, carriage, or riding or driving any horſe, aſs, or mule, or any ſort of cattle, and be thereof convicted upon oath before the ſaid truſtees, or any five or more of them, or before one or more juſtice or juſtices of the peace for the county wherein ſuch offence or offences ſhall be committed, ſhall forfeit and pay to the truſtees authorized to put this act in execution,

Owners of land adjoining, permitting paſſage,

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tion the ſum of ten ſhillings, to be levied by diſtreſs and ſale of the offenders goods by warrant under the hand and ſeal, or under the hands and ſeals, of the ſaid truſtees, or any five or more of them, or ſuch juſtice or juſtices, rendering the overplus to the owner (if any be) the charges in taking and diſpoſing of the ſaid goods being firſt deducted.

Penalty 10 s. to the truſtees.

IV. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid truſtees, or any five or more of them, to erect one or more gate or gates, turnpike or turnpikes, on the ſide of the ſaid highways or roads croſs any lane or way leading out of the ſaid road, and toll-houſe or toll-houſes, and there to receive and take ſuch toll as is appointed by this act to be taken, ſo as the ſame do not extend to a double charge, in caſe of paſſing through any other of the turnpikes to be erected by virtue of this act between the ſaid city of Dublin and Kilcullen-Bridge aforeſaid.

Gates, &c. may be erected croſs any way leading out of the road, and toll collected,

ſo as no double charge.

V. And be it enacted by the authority aforeſaid, That the ſaid truſtees, or any five or more of them, at their firſt meeting, or any ſucceeding meeting, by writing under their hands and ſeals ſhall and may elect, nominate, and appoint one or more fit perſon or perſons to be receiver or receivers, collector or collectors, of ſuch money, in the name of ſuch toll or duty as ſhall be due and payable by virtue of this act; and alſo one or more fit perſon or perſons to be ſurveyor or ſurveyors to ſee the condition of the ſaid highway or road, and to ſee that the ſame be repaired and amended, and that the money ariſing and expended by virtue of this act be duly applied, and from time to time to remove ſuch collectors, receivers, and ſurveyors, or any or either of them, as they ſhall ſee occaſion, and appoint new ones in caſe of death or of ſuch removal; and ſuch perſon or perſons, as is or are by this act liable to pay the ſaid toll or duty, is and are hereby required to pay the ſame after the rates aforeſaid to the ſaid receiver or receivers, collector or collectors, of the ſaid toll and duty in that behalf from time to time appointed as aforeſaid; and the perſon or perſons ſo appointed as aforeſaid for receiving the ſaid toll or duty, and all ſuch ſurveyor or ſurveyors as aforeſaid, ſhall upon oath, if thereto required by the truſtees, or any five or more of them, or before one or more juſtice or juſtices of the peace reſiding near the highway or road aforeſaid (which oath ſuch truſtees, or any three or more of them, or ſuch juſtice and juſtices, is and are hereby impowered and required to adminiſter) on the firſt Tueſday in every month, or oftner, if required, during the continuance of this act give in a true, exact, and perfect account in writing under their reſpective hands of all moneys, which he and they, and every or any of them,

5 truſtees at meeting may appoint collectors, and ſurveyors, from time to time,

and remove them.

ſaid toll accounted for on oath if required, firſt tueſday every month, or oftner,

them, ſhall to ſuch time have received, paid, and diſburſed by virtue of this act by reaſon of their reſpective offices, for which oath no fee or reward ſhall be taken; and in caſe any money ſo received ſhall remain in their or any of their hands, the ſame ſhall be paid to the ſaid truſtees, or any five or more of them, or to ſuch perſon or perſons as the ſaid truſtees, or any five or more of them, (as they are qualified to act) ſhall by any writing or writings under their hands and ſeals authorize and impower to receive the ſame; which ſhall be diſburſed and laid out in amending the ſaid highways or roads, according to the true intent and meaning of this act, and not otherwiſe; and the ſaid truſtees, or any five or more of them, to whom ſuch account ſhall be given, ſhall and may out of the money ariſing by the ſaid toll or duty make ſuch allowance unto the ſaid receiver or receivers, collector or collectors, and the ſurveyor or ſurveyors, for and in conſideration of his and their care and pains reſpectively taken in the execution of his and their office and offices, and to ſuch other perſon or perſons, who have been or ſhall be aſſiſting in or about procuring the ſaid highways and roads to be amended and repaired by advancing and laying out any moneys, or otherwiſe relating thereunto, as to them ſhall ſeem good; and in caſe the ſaid receiver or receivers, collector or collectors, of the aforeſaid toll or duty, or any of them, ſhall not make ſuch account and payment unto ſuch perſon and perſons according to the orders and directions of the ſaid truſtees, or any five or more of them as aforeſaid, that then the ſaid juſtices of the peace at any ſpecial ſeſſions or meeting of them, to be holden for the county in which the ſaid receiver or receivers, collector or collectors, have acted or been employed, and made ſuch default as aforeſaid, ſhall make inquiry of and concerning ſuch default as well by confeſſion of the ſaid parties themſelves, as by the teſtimony of one or more credible witneſs or witneſſes upon oath, which oath they are hereby impowered and required to adminiſter without fee or reward; and if any perſon or perſons ſhall be convicted thereof by ſuch juſtices, the ſaid juſtices ſhall upon ſuch conviction commit the party or parties to the common goal of the county, where ſuch offence ſhall be committed, there to remain without bail or mainprize until he or they ſhall have made a true and perfect account and payment as aforeſaid.

and laid out in amending the road.

Allowance to collectors, ſurveyors, &c.

on default of ſuch account and payment, juſtices at any ſpecial ſeſſions ſhall inquire, and commit offenders.

VI. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid ſurveyor and ſurveyors, and ſuch perſon or perſons as he or they ſhall appoint, to dig, raiſe, gather, take, and carry away any gravel, furze, ſand, ſtones, or other materials out of any waſte or common, of any pariſh, town, village, or hamlet, in or near which any founderous or ruinous places of the ſaid highways or roads do lye,

Surveyors may dig for materials in any neighbouring common without paying.

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lye, and for want of ſufficient gravel, furze, ſand, ſtones, or other materials there, to dig, gather, raiſe, take, and carry away the ſame out of the waſte or common of any neighbouring pariſh, town, village, or hamlet, without paying any thing for the ſame; and, where there is not ſufficient of ſuch materials in any commons or waſte grounds near adjoyning, it ſhall and may be lawful for them by order of the ſaid truſtees, or any five or more of them, to dig, raiſe, and gather the ſame, in the ſeveral grounds of any perſon or perſons not being a garden, orchard, yard, or meadow, planted-walk or walks, or avenue to a houſe, where any ſuch materials are or may be found, and from time to time to carry away ſuch and ſo much thereof as the ſaid ſurveyor or ſurveyors in their reſpective places ſhall adjudge neceſſary for the repairing and amending the ſaid highways or roads, paying ſuch rate for ſuch materials to the owner or occupier of the ground, from whence the ſame ſhall be digged, raiſed, gathered, and carried away, as the truſtees appointed or to be appointed to put this act in execution ſhall adjudge reaſonable; and, in caſe of any difference between ſuch owner or occupier and the ſaid truſtees touching the damage aforeſaid, the judges of aſſize, or the juſtices of the peace at the next general aſſizes and general goal delivery, or quarter-ſeſſions, to be holden in the county where ſuch materials ſhall be digged, raiſed, or gathered, and from whence the ſame ſhall be carried away, may and ſhall adjudge, aſſeſs, and finally determine the ſame.

or for want thereof may by order of 5 truſtees dig in any perſon's grounds (except garden, orchard, meadow, &c.) paying ſuch rate as truſtees, &c.

11 *G.* 2. 17. *may dig in ground uſed for potatoe garden.*

Difference between the owner and truſtees adjuſted at aſſizes or ſeſſions.

VII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſurveyor or ſurveyors, and ſuch perſon and perſons as he or they ſhall appoint, from time to time to remove and prevent annoyances on any part of the ſaid highways or roads hereby intended to be repaired, by filth, dung, aſhes, rubbiſh, water-courſes, ſinks, or drains, running into the ſaid highways or roads, and to cleanſe any ditch or water-courſe adjoyning to the ſaid roads, or by cutting down, lopping or topping any trees or buſhes growing in the ſaid highways, or in the hedges or banks adjacent to the ſaid highways, and to take and carry away the ſame (the owners or occupiers neglecting to cut down ſuch trees or buſhes, or to remove ſuch other annoyances, for the ſpace of ten days after notice in writing given for that purpoſe under the hands of five of the ſaid truſtees) the charges whereof ſhall be reimburſed the ſaid ſurveyor or ſurveyors by ſuch owner or occupiers neglecting to cut down the ſaid trees or buſhes, or to remove ſuch other annoyances as aforeſaid; and if after removal of any ſuch annoyances any perſon

Surveyors, &c. may remove annoyances, cleanſe ditches adjoining, cut down or lop trees, (on neglect of owners or occupiers 10 days after notice in writing by 5 truſtees.)

23 *G.* 2. 16.

charges reimburſed by ſaid occupiers.

perſon or perſons ſhall again offend in like kind, every ſuch perſon or perſons ſo offending, and being thereof convicted upon oath before one or more juſtice or juſtices of the peace for the ſaid county where ſuch offence ſhall be committed, ſhall for every ſuch offence forfeit and pay unto the ſaid truſtees, where ſuch offence ſhall be committed, the ſum of ten ſhillings, to be levied in manner aforeſaid.

Offenders after removal ſhall on conviction before a juſtice pay 10*s.* to truſtees.

VIII. And be it further enacted by the authority aforeſaid, That it ſhall and be lawful to and for the ſaid ſurveyor or ſurveyors by order of the ſaid truſtees, or any five or more of them, to make or cauſe to be made cauſeways, and to cut and make drains, through any grounds lying contiguous to the ſaid roads, and to erect arches of brick, timber, or ſtone thereupon; and alſo to widen any of the ſaid narrow parts of the ſaid highways or roads, by opening, clearing, and laying into the ſaid highways or roads any grounds of any perſon or perſons lying contiguous to ſuch highways or roads, not being a houſe, garden, orchard, planted-walk, or avenue to a houſe; and alſo to cauſe ditches or trenches to be made in ſuch places and in ſuch manner, as ſuch ſurveyor or ſurveyors by order of the ſaid truſtees, or any five or more of them, ſhall adjudge neceſſary for the better amending and keeping of the ſaid highways or roads in good repair, making ſuch reaſonable ſatisfaction to the owner or occupier of ſuch ground, which ſhall be ſo laid in or unto the ſaid highways or roads, or through which any ſuch drain or drains ſhall be cut, or on which any ſuch arch or arches ſhall be made, for the damages which he or they ſhall or may thereby ſuſtain, as ſhall be aſſeſſed and adjudged by the next going judge or judges of aſſize, or by the juſtices of the peace, or the major part of them at the next general aſſiſes or quarter-ſeſſions to be holden for the county in which ſuch ground ſhall be laid into the ſaid highways or roads, and through which any ſuch drain or drains, ditch or ditches, ſhall be cut or made, or on which ſuch arch or arches ſhall be erected or made, or ſuch cauſeways made, in caſe of any difference concerning the ſame; and if any owner or occupier of any water-courſes, ditch or ditches, adjoyning to the ſaid highways or roads, ſhall neglect or refuſe to ſcour or cleanſe ſuch water-courſes, and to make ſuch ditches ſo deep, and in ſuch manner, as the ſurveyor or ſurveyors ſhall adjudge proper and convenient, after ten days notice ſhall be given for that purpoſe by ſuch ſurveyor or ſurveyors to be appointed, or ſuch perſon or perſons as ſhall be appointed by him or them, to ſuch owner or owners, it ſhall and may be lawful to and for the ſurveyor and ſurveyors to ſet any man or men to work to ſcour or cleanſe and make the ſame, and by warrant from any five or more

Surveyors by order of 5 truſtees may make cauſeways, and cut drains through grounds contiguous, and erect arches, and widen roads, by taking in grounds not being a houſe, garden, &c. and make trenches;

making reaſonable ſatisfaction,

aſſeſſed at aſſizes or ſeſſions on any difference.

Owner of water-courſes or ditches not cleanſing them, on 10 days notice, ſurveyor may do it,

and by warrant of five truſtees levy the charge.

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more of the ſaid truſtees to levy the charge thereof upon the perſons goods or eſtates of the owner or owners, occupier or occupiers, of ſuch water-courſe, ditch or ditches, by diſtreſs and ſale of his, her, or their goods and chattles, rendring the overplus (if any be) to the ſaid owner or occupier after all charges paid.

Nine truſtees may aſſign the toll as ſecurity for money borrowed to repair.

IX. And foraſmuch as the money, ſo to be collected by ſuch receipt of the toll, will not at preſent be ſufficient for the ſpeedy repairing of the ſaid highways or roads: be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any nine or more of them, ſhall and may and are hereby impowered from time to time by writing under their reſpective hands and ſeals to aſſign over the ſaid toll or duty hereby granted, or any part thereof, the coſts and charges whereof to be born and paid out of ſuch toll or duty, for any time or term during the continuance of this act, as a ſecurity for any ſum or ſums of money by them to be borrowed for that purpoſe, to ſuch perſon or perſons, or their truſtees, who ſhall advance and lend the ſame, to ſecure the re-payment thereof with lawful intereſt, or leſs, if the ſame can be ſo had; which ſaid money borrowed ſhall be applied and diſpoſed of, as the ſaid toll or duty is by this act to be applyed and diſpoſed of, and to no other uſe or purpoſe whatſoever.

Perſons delivering a ticket of payment at the firſt gate not liable to pay at another the ſame day:

X. Provided always, That in caſe there ſhall be more than one gate or turnpike in, croſs, or on the ſide of the ſaid highways or roads between the ſaid city of Dublin and the ſaid town of Kilcullen-bridge, no perſon or perſons having paid the toll or duty at the firſt gate or turnpike, through which ſuch perſon or perſons ſhall paſs, and producing a note or ticket that the ſaid toll or duty was paid, which note or ticket the receiver or receivers, collector or collectors, is and are hereby required to give *gratis*, ſhall be liable to pay any toll or duty at any other of the ſaid gates or turnpikes upon or on the ſide of the ſaid high-way or road, ſuch perſon or perſons delivering the ſaid note or ticket to the ſaid receiver or receivers, collector or collectors, of the ſaid toll or duty at the latter gate or turnpike the ſame day; and no perſon or perſons, having occaſion to paſs the place or places where the toll or duty is taken, who ſhall return the ſame day upon or with the ſame horſe, mare, gelding, aſs, mule, cattle, coach, chariot, berlin, chaiſe, chair, calaſh, waggon, cart, car, or other carriage, ſhall be lyable or compellable the ſame day to pay the ſaid toll or duty more than once on the ſaid road.

nor on returning the ſame day with ſame horſe or carriage.

XI. And

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XI. And for preventing frauds and abuſes in the ſaid toll or duty; be it enacted by the authority aforeſaid, That if any perſon or perſons, having paid the toll or duty by this act granted and made payable, and having ſuch note or ticket, notes or tickets, as hereby directed, ſhall give or diſpoſe of the ſame to any other perſon or perſons in order to avoid the payment of the ſaid toll or duty, every ſuch perſon giving, diſpoſing, or offering, and the perſon receiving, ſuch note or ticket, notes or tickets, and being thereof convicted upon oath before the ſaid truſtees, or any five or more of them, or before any one or more juſtice or juſtices of the peace for the county, wherein ſuch offence or offences ſhall be committed, ſhall reſpectively forfeit and pay the ſum of ten ſhillings, to be levied, recovered, and diſpoſed of as any other penalty or forfeiture is directed to be levied, recovered, and diſpoſed of by this act.

Penalty 10 s. on both giver and receiver of a ticket to avoid toll.

XII. Provided always, and it is hereby declared, That during the continuance of this act all coaches and paſſengers on horſeback ſhall paſs and repaſs toll-free on the day or days, on which there ſhall be an election for knight or knights of the ſhire to ſerve in Parliament for the ſaid counties of Dublin and Kildare, or citizens for the ſaid city of Dublin, or for any burgeſs to ſerve in Parliament for any borough in the ſaid counties reſpectively; any thing herein contained to the contrary notwithſtanding.

No toll paid on days of election of members of Parliament for the counties of, or any borough in, Dublin or Kildare.

XIII. And be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any five or more of them, may and are hereby impowered from time to time, as they ſhall ſee convenient or think fit, to compound or agree by the year or otherwiſe with any perſon or perſons uſing to travel through the turnpike or turnpikes, to be erected, with any milch cows, horſe, mare, or gelding, aſs or mule, or with any coach, berlin, calaſh, chaiſe, chair, waggon, cart, carr, or other carriage, for any ſum or ſums of money to be paid quarterly from time to time after ſuch agreement ſhall be made.

5 truſtees may compound, 23 G. 2. 16.

payable quarterly.

XIV. Provided alſo, and it is hereby declared that no perſon ſhall be charged with any of the tolls or duties aforeſaid, who ſhall paſs through any of the turnpikes to be erected by this act, who ſhall carry any quantities of ſtones, gravel, or other materials for repairing of the ſaid roads, or any of the roads in the pariſhes in which the ſame do lye, or in any of the neighbouring pariſhes; nor ſhall any perſon or perſons be chargeable with the ſaid toll or duty, or any carts, carrs, or waggons loaded with corn in the ſtraw only; nor for any ploughs, harrows, or other implements of huſbandry, in order to the uſing or repairing

Exempt from toll.

Perſons carrying materials for repairing ſaid roads, or roads in neighbouring pariſhes,

or corn in ſtraw only,

or implements of huſbandry uſed in the pariſhes

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ing of the ſame in the ſeveral pariſhes in which the ſaid high-ways or roads hereby intended to be repaired do lye; nor ſhall any toll or duty be demanded or taken at any of the turnpikes to be erected for any horſe, mare, gelding, aſs, or mule, or other cattle going to water, or for any poſt-horſe carrying the mail or packet, or of ſuch horſe as is or ſhall be uſed only to ride on by the owner or driver of any waggon, cart or carriage, provided ſuch horſe paſs through the ſaid turnpike or turnpikes with ſuch waggon, cart, or carriage; nor ſhall any toll or duty be demanded or taken for the horſes of ſoldiers paſſing, that are upon their march, or for waggons, carts, cars, or other carriages attending them; or for horſes, waggons, carts, cars, or other carriages travelling with vagrants ſent by paſſes, or with priſoners tranſmitted from one part of the kingdom to another.

in which ſaid roads lye, or cattle to water; Poſt-horſe with the mail, or the horſe on which waggoner, &c. rides. ſoldiers on march, vagrants paſſed, or priſoners tranſmitted.

XV. And be it further enacted by the authority aforeſaid, That every perſon, chargeable towards repairing the ſaid high-ways or roads as aforeſaid, ſhall yearly during the continuance of this act do and perform two days of that work, commonly called the ſtatute-work, which is appointed by the laws now in being for amending of the highways in this kingdom, in ſuch manner, place, a nd places, being part of the highways hereby intended to be repaired, and at ſuch time, as the ſurveyor or ſurveyors to be appointed by virtue of this act ſhall by writing under his or their hand or hands from time to time order and direct, and ſhall not be again chargeable for the ſame by any ſurveyor or ſurveyors of the reſpective pariſhes, or any perſon whatſoever; and alſo that the reſpective ſurveyor or ſurveyors for the time being of all and every pariſh and pariſhes, in which the ſaid highways and roads intended to be repaired by this act lye, ſhall yearly and every year within four days after requeſt made to him or them by the ſurveyor or ſurveyors for the time being, appointed by virtue of this act, give liſts or an account in witing under his or their hand or hands of the name or names of all and every perſon and perſons in the ſaid reſpective pariſh or pariſhes, who are by the laws in force chargeable towards the repairing of the highways of the ſaid reſpective pariſhes, and what he or they is or are chargeable with reſpectively for and towards the ſame, to the ſurveyor or ſurveyors appointed or to be appointed by virtue of this act; and that the ſaid ſurveyor or ſurveyors of the ſaid pariſhes ſhall within three days next after notice given by the ſaid ſurveyor or ſurveyors appointed by this act of the time when, and how many of the ſaid perſons, ſo chargeable as aforeſaid, he or they would have to do the ſaid two days work in and upon the ſaid road to be repaired by this act, either ſummon or give publick notice thereof

Perſons chargeable to repair ſhall yearly do two days ſtatute work on ſaid roads, as ſurveyors by writing direct, and not chargeable again. Surveyors of reſpective pariſhes ſhall yearly in four days after requeſt give liſts, to ſurveyors by this act appointed, of all perſons chargeable; and in three days after notice ſummon or give notice to thoſe chargeable.

thereof to the ſaid perſon or perſons ſo chargeable as aforeſaid; and if any ſurveyor or ſurveyors of the ſaid pariſhes reſpectively ſhall neglect or refuſe to do, as they are hereby directed and required, he or they for every offence ſhall forfeit and pay the ſum of forty ſhillings: and if any perſon or perſons keeping a team, cart, car, or other carriage, and chargeable towards repairing the highways as aforeſaid, ſhall neglect or refuſe to do and perform the ſaid two days work in the ſaid highways by this act intended to be repaired after ſuch ſummons or publick notice ſhall be given as aforeſaid, he or they ſhall reſpectively forfeit and pay the ſum of five ſhillings for each of the ſaid two days ſuch perſon or perſons keeping a team, cart, car, or other carriage, ſhall make default; and if any labourer, or other perſon ſo chargeable towards repairing the highways of the ſaid pariſhes, ſhall at any time neglect or refuſe after ſuch ſummons or publick notice given as aforeſaid to do and perform the ſaid two days work in the ſaid highways by this act intended to be repaired, he or they ſhall reſpectively forfeit and pay the ſum of one ſhilling for each of the two days ſuch labourer or other perſon or perſons ſhall make default: all which penalties and forfeitures by this act impoſed ſhall be levied and recovered by diſtreſs and ſale of any of the offenders goods and chattels by warrant or warrants under the hands and ſeals of the ſaid truſtees, or any five or more of them, upon the information of one or more credible witneſs or witneſſes upon oath, which oath the ſaid truſtees, or any five or more of them, are hereby impowered to adminiſter; and the ſaid forfeitures and penalties before mentioned, when recovered, after rendering the overplus (if any be) to the party or parties whoſe goods and chattels ſhall be ſo diſtrained, the charges of ſuch diſtreſs and ſale being firſt deducted, ſhall go and be applied for and towards amending the ſaid highways intended by this act to be repaired, in like manner as the whole intended by this act is to go and be applied.

Penalty on pariſh ſurveyors 40 s. on perſons keeping a cart, &c. 5s. each of the 2 days.

On others 1 s. each day.

Penalties by diſtreſs by warrant of 5 truſtees on oath of 1 witneſs,

and applied to amend ſaid road.

XVI. And be it further enacted by the authority aforeſaid, That the toll or duty hereby granted ſhall take place and have continuance only from and after the tenth day of May in the year of our Lord one thouſand ſeven hundred and thirty, for and during the term of twenty one years.

Said toll to continue 21 years from 10 May 1730. 7 G. 2. 16. *continued* 24 *years, &c.*

XVII. Provided nevertheleſs, That if at any time before the expiration of the ſaid term of twenty one years all parts of the ſaid road ſhall be ſufficiently amended and repaired, and ſo adjudged by the majority of the truſtees appointed, or hereafter to be choſen by virtue of this act, by an adjudication under their hands and ſeals, that then from and after ſuch adjudication made, and repayment of ſuch money as ſhall have been advanced or borrowed,

unleſs the road is before adjudged by the truſtees ſufficiently repaired,

and money advanced repaid.

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rowed, with intereſt for the ſame, and the coſts and charges thereof, the tolls and duties ſhall ceaſe and determine; any thing herein contained to the contrary notwithſtanding.

5 truſtees, on death, removal, or refuſing to act, may elect others living in counties of Dublin or Kildare;

XVIII. And be it further enacted by the authority aforeſaid, That for the continuing of a ſufficient number of fit and able perſons to be truſtees for putting in execution all and every the powers in this act contained for and during the continuance thereof, it ſhall and may be lawful to and for the ſaid truſtees, or any five or more of them, upon the death of any of the ſaid truſtees, removal, or refuſing to act in the ſaid truſt, by any writing or writings under their hands and ſeals from time to time, and at all times hereafter during the term aforeſaid, to elect, nominate, and appoint, in the room of ſuch truſtee or truſtees ſo deceaſed, removed, or refuſing to act, ſo many more fit and able perſon or perſons living in the ſaid counties of Dublin or Kildare, to be joined with the ſaid truſtees in the execution of all and every the power and powers in them repoſed by virtue of this act; and all and every perſon or perſons, ſo to be choſen truſtee or truſtees to join in putting this act in execution, as they are herein before qualified to do, ſhall, and may, and are hereby impowered to act to all intents and purpoſes, in as full, large, and ample manner as the ſaid truſtees are by this act impowered to do, and ſo *toties quoties* as often as occaſion ſhall be or require.

and meet at Kill 1ſt May 1730, adjourn and meet at any place near ſaid road;

XIX. And be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any five or more of them, ſhall meet at Kill in the county of Kildare the firſt day of May in the year of our Lord one thouſand ſeven hundred and thirty, and the ſaid truſtees ſhall then adjourn themſelves, and afterwards meet there, or at any other place or places near the ſaid highways or roads to be repaired, as the ſaid truſtees, or any five or more of them, ſhall think proper or convenient, as often as it ſhall be neceſſary for the putting this act in execution; and if it ſhall happen, that there ſhall not appear at any meeting, which ſhall be appointed to be had or held by the ſaid truſtees, a ſufficient number of truſtees to act at ſuch meeting, and to adjourn to any other day, then and in ſuch caſe the clerk to the ſaid truſtees by notice, in writing to be affixed at the reſpective gates or turnpikes at leaſt ten days before the next meeting, ſhall appoint the ſaid truſtees to meet at the houſe, where the meeting of the ſaid truſtees was laſt appointed to be held, or at ſome other convenient houſe near the ſaid roads, on the day three weeks next after the day on which ſuch laſt meeting of the ſaid truſtees was appointed to have been held; and the ſaid truſtees at their firſt meeting, and

and, for want of ſufficient number, may adjourn;

the clerk to fix a notice on the gates 10 days before next meeting; 23 G. 2. 16.

Truſtees at meeting ſhall defray their own charges.

and at all their ſubſequent meetings, ſhall defray their own charges and expences. A. D. 1729.

XX. Provided always, and be it further enacted by the authority aforeſaid, That no perſon or perſons, appointed or to be appointed by this act a truſtee or truſtees for putting this act in execution, ſhall have or accept of any place of profit ariſing out of or by reaſon of the toll or duty by this act laid or granted, but ſuch perſon or perſons ſhall be incapable, from the time of accepting and continuing to enjoy ſuch place of profit, of acting as a truſtee. None having place of profit out of the toll ſhall be truſtee.

XXI. And be it further enacted by the authority aforeſaid, That if any ſuit ſhall be commenced againſt any perſon or perſons for any thing done in purſuance of this act, that in every ſuch caſe the action ſhall be laid in the ſaid county of Dublin or county of Kildare, and not elſewhere; and the defendant or defendants in ſuch action or actions to be brought may plead the general iſſue, and give this act and the ſpecial matter in evidence at any tryal to be had thereupon, and that the ſame was done in purſuance and by the authority of this act; and if it ſhall appear ſo to be done, or that ſuch action or actions ſhall be brought in any other county, that then the jury ſhall find for the defendant or defendants; and upon ſuch verdict, or if the plaintiff ſhall be nonſuited, or diſcontinue his action after the defendant or defendants ſhall have appeared, or if on any demurrer judgment ſhall be given againſt the plaintiff, the defendant or defendants ſhall and may recover treble coſts, and have the like remedy for the ſame, as any defendant or defendants hath or have in other caſes by law. Suits againſt perſons for acting laid in counties of Dublin or Kildare. Defendants may plead general iſſue, &c. and have treble coſts.

XXII. And be it further enacted by the authority aforeſaid, That this act ſhall be deemed, adjudged, and taken to be a publick act, and be judicially taken notice of as ſuch by all judges, juſtices, and other perſons whatſoever without ſpecially pleading the ſame. This a publick act.

CHAP. XIX.

An act for repairing the road leading from the city of Dublin to the town of Navan in the county of Meath.

WHEREAS the highway or road leading from Stony-batter in the ſuburbs of the city of Dublin to Caſtleknock, and from thence through Clonee, Dunſhaghlin, and hill of Tara, to the town of Navan in the county of Meath, by reaſon of ſeveral hollow ways, and of the many and heavy carriages frequently paſſing through the ſame, are become ſo ruinous and bad, that 7 G. 2. 22. The road not to be repaired by the ordinary courſe.

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that in winter ſeaſon many parts thereof are impaſſable for waggons, carts, cars, and carriages, and very dangerous for travellers, and cannot by the ordinary courſe appointed by the laws and ſtatutes of this realm be effectually mended and kept in good repair: wherefore, and to the end that the ſaid highways or roads may with convenient ſpeed be effectually mended, and hereafter kept in good and ſufficient repair, ſo that all perſons may travel through the ſame with ſafety; be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That for the better ſurveying, ordering, amending, and keeping in repair the ſaid highways or roads, it ſhall be in the power of the right honourable Chaworth earl of Meath, the right honourable Edward earl of Drogheda, the right honourable Brinſley lord viſcount Laneſborough, the right honourable William lord baron of Howth, the right honourable Henry lord baron of Santry, the right reverend Ralph lord biſhop of Meath, the right honourable Sir Ralph Gore baronet, the right honourable Sir Guſtavus Hume baronet, the right honourable Marmaduke Coghill eſquire, the right honourable Benjamin Parry eſquire, the honourable Humphry Butler eſquire, the honourable Edward Brabaſon eſquire, Sir Compton Domvile baronet, Sir Thomas Taylor baronet, Hercules Rowley eſquire, Richard Weſley, Peter Ludlow, John Preſton, Thomas Carter, Charles Lambert, ſenior, Charles Coote, Henry Sandford, William Connolly, Robert Percival, Thomas Meredyth, John Wade, Hugh Henry, Henry Brooke, Charles Hamilton, Thomas Taylor, Nathaniel Preſton, Wentworth Harman, Luke Gardiner, Charles Lambert, junior, Robert Naper, Thomas Bligh, George Johnſton, John Folliot, Nathaniel Clements, William Fitzherbert, Edward Bolton, James Somerville, John Rochford, William Ludlow, Bruen Worthington, Benedict Arthur, John Warren of Corduff, Robert Waller, Oliver Moor, Richard Geering, Benjamin Pratt, Richard Ford, William Swan, Chriſtopher Nicholſon, William Beckett, Edward Ford, Robert Shields, William Smith of Stonybatter, Samuel Gibbons, Lawrence Bain, Robert Norman, Robert Fox, Thomas Moland, Thomas Sinnot, Arthur Dillon, and William Yarner eſquires, Thomas Bolton eſquire, doctor of phyſick, James Noy eſquire, the reverend Richard Bolton, the reverend John Jordan, the reverend Richard Stewart, captain Samuel Woodward, John Ker of the city of Dublin gentleman, Richard Barry, William Noy, Noah Webb, Edward Noy, Thomas Jones, Philip Barry, Luke Sandford, Theobald Dillon, Thomas Cannon, John Hawkins of Lutterels town, and Marks Tue gentleman,

For repair thereof truſtees appointed, 23 G. 2. 16. *may ſue and be ſued as if incorporated, and muſt have* 50*l. per ann. freehold, or* 1000*l. perſonal.*

gentleman, the reverend archdeacon Walls, John Tue, Clotworthy Shields, Rowland Cooke, Charles Matthews, Edmond Hackett, Narciſſus Proby, Valentine Elſon, William Steers, Joſhua Wilſon, Patrick Welſh, Stephen Stephens, Richard Garland, William Croſthwait, John Townſend, Vincent Kidder, Hugh Galbraith, and Samuel Kathrens gentlemen, who are hereby nominated and appointed truſtees of the ſaid roads, and the ſurvivors of them, that they, or any five or more of them, or ſuch perſon or perſons as they, or any five or more of them, ſhall authorize and appoint, ſhall and may erect, or cauſe to be erected, one or more gate or gates, turnpike or turnpikes, in, upon, or acroſs any part or parts of the ſaid highways or roads; and alſo a toll-houſe or toll-houſes, and there ſhall receive and take the tolls and duties following before any horſe, mare, gelding, aſs, or mule, cattle, coach, Berlin, chariot, calaſh, chaiſe, chair, waggon, wain, cart, car, or other carriage, ſhall be permitted to paſs through the ſame, *viz.* for every coach, Berlin, chariot, caleſh, chaiſe, or chair drawn by four horſes or more, the ſum of one ſhilling; and for every coach, Berlin, chariot, calaſh, chaiſe, or chair drawn by one horſe, or any leſs number of horſes than four, the ſum of ſix pence; for every waggon, wain, cart, or carriage with four wheels, the ſum of eight pence; for every wain, cart, or carriage with two wheels, having more than one horſe, mare, or gelding, aſs, or mule, the ſum of two pence; for every car or other carriage having but one horſe, mare, gelding, aſs or mule, the ſum of one penny; for every horſe, mare, gelding, mule, or aſs, laden or unladen, and not drawing, one half-penny; for every drove of oxen or neat cattle, the ſum of ten pence *per* ſcore, and ſo in proportion for any greater or leſſer number; for every drove of calves, hogs, ſheep, or lambs, the ſum of five pence *per* ſcore, and ſo in proportion for any greater or leſſer number: which ſaid reſpective ſum and ſums of money ſhall be demanded and taken in the name of or as a toll or duty, and the money ſo to be raiſed as aforeſaid is and ſhall hereby be veſted in the ſaid truſtees, and the ſame, and every part thereof, ſhall be paid, applied, diſpoſed of, and aſſigned to and for the ſeveral uſes, intents, and purpoſes, and in ſuch manner, as is herein after mentioned and directed; and the truſtees, or any five or more of them, are hereby impowered by themſelves, or any perſon or perſons by them, or any five or more of them, under their hands and ſeals thereunto authorized, to levy the toll or duty hereby required to be paid upon any perſon or perſons, who ſhall (after demand made thereof) neglect or refuſe to pay the ſame, by diſtreſs of any horſe or horſes, or other

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Any 5 may erect gates and toll-houſes,

and take toll.

7 G. 2. 22. *the toll altered.*

For a coach, *&c.* and four horſes, 1 s. leſs than 4, 6 d.

4 wheeled waggons, *&c.* 8 d.

2 wheeled, and more than 1 horſe, 2 d. with 1 horſe, 1 d.

a horſe not drawing, one halfpenny.

Oxen, *&c.* 10 d. calves, *&c.* 5 d. *per* ſcore.

The money raiſed veſted in truſtees;

any 5, *&c.* may on non-payment levy by diſtreſs, and ſell after 5 days.

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other cattle or goods, upon which ſuch toll or duty is by this act impoſed, or upon any other of the goods and chattles of ſuch perſon or perſons who ought to pay the ſame, and may detain and keep the ſame until ſuch toll or duty with the reaſonable charges of ſuch diſtraining or keeping ſhall be paid; and it ſhall and may be lawful to and for ſuch perſon and perſons ſo diſtraining after the ſpace of five days, after ſuch diſtreſs made and taken, to ſell the goods ſo diſtrained, returning the overplus (if any be) upon demand to the owner thereof, after ſuch toll, duty, and reaſonable charges for diſtraining and keeping the ſame ſhall be deducted and paid.

Charges firſt paid,

II And be it further enacted by the authority aforeſaid, That out of the firſt money ariſing from the profits of the ſeveral turnpikes ſo to be erected the ſaid truſtees, or any five or more of them, ſhall firſt pay and diſcharge the expence of procuring this act of Parliament, and of erecting ſuch turnpike or turnpikes, and toll-houſe or toll-houſes, and from and after ſuch charges and expences ſhall be fully ſatisfied and paid, that then and from thenceforth the profits ariſing, and the toll to be collected, at any turnpike or turnpikes to be erected and ſet up on the ſaid road leading from the city of Dublin to the town of Navan in the county of Meath as aforeſaid, ſhall be applied for and towards the repair of the ſaid road only, and not elſewhere.

then laid out on ſaid road.

Occupiers of land adjoining giving a paſſage,

III. And be it further enacted by the authority aforeſaid, That if any perſon or perſons whatſoever owning, renting, or occupying any land near unto any turnpike to be erected in purſuance of this act, ſhall for gain, reward, or otherwiſe, willingly permit any perſon or perſons whatſoever to paſs through any gate, paſſage, or way, with any coach, Berlin, chariot, calaſh, chaiſe, or chair, waggon, wain, cart, car, carriage, or riding, or driving any horſe, aſs, mule, or any ſort of cattle, and be thereof convicted upon oath before the ſaid truſtees, or any five or more of them, or before any one or more juſtice or juſtices of the peace for the county wherein ſuch offence or offences ſhall be committed, ſhall forfeit and pay to the truſtees authorized to put this act in execution the ſum of ten ſhillings, to be levied by diſtreſs and ſale of the offenders goods by warrant under the hand and ſeal, or under the hands and ſeals, of the ſaid truſtees, or any five or more of them, or ſuch juſtice or juſtices, rendering the overplus to the owner (if any be) the charges in taking and diſpoſing of the ſaid goods being firſt deducted.

penalty to truſtees 10s.

IV. And

IV. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid truſtees, or any five or more of them, to erect one or more gate or gates, turnpike or turnpikes, on the ſide of the ſaid highways or roads croſs any lane or way leading out of the ſaid road, and toll-houſe or toll-houſes, and there to receive and take ſuch toll, as is appointed by this act to be taken, ſo as the ſame do not extend to a double charge, in caſe of paſſing through any other of the ſaid turnpikes to be erected by virtue of this act between the ſaid city of Dublin and the ſaid town of Navan as aforeſaid.

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Gates, &c. may be erected croſs any way leading out of ſaid road, and toll collected, ſo as no double charge.

V. And be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any five or more of them, at their firſt meeting, or any ſucceeding meeting, by writing under their hands and ſeals ſhall and may elect, nominate, and appoint, one or more fit perſon or perſons to be receiver or receivers, collector or collectors, of ſuch money, in the name of ſuch toll or duty as ſhall be due and payable by virtue of this act; and alſo one or more fit perſon or perſons to be ſurveyor or ſurveyors to ſee the condition of the ſaid highway or road, and to ſee that the ſame be repaired and amended, and that the money ariſing and expended by virtue of this act be duly applied, and from time to time to remove ſuch collectors, receivers, and ſurveyors, or any or either of them, as they ſhall ſee occaſion, and appoint new ones in caſe of death or of ſuch removal; and ſuch perſon or perſons, as is or are by this act liable to pay the ſaid toll or duty, is and are hereby required to pay the ſame after the rate aforeſaid to the ſaid receiver or receivers, collector or collectors, of the ſaid toll or duty in that behalf from time to time appointed as aforeſaid; and the perſon or perſons ſo appointed as aforeſaid for receiving the ſaid toll or duty, and all ſuch ſurveyor or ſurveyors as aforeſaid, ſhall upon oath, if thereto required by the truſtees, or any five or more of them, or before one or more juſtice or juſtices of the peace reſiding near the highway or road aforeſaid (which oath the ſaid truſtees, or any five or more of them, or ſuch juſtice and juſtices is and are hereby impowered and required to adminiſter) on the firſt Tueſday in every month, or oftner if required, during the continuance of this act, give in a true, exact, and perfect account in writing under their reſpective hands of all moneys, which he and they, and every or any of them, ſhall to ſuch time have received, paid, and diſburſed by virtue of this act by reaſon of their reſpective offices, for which oath no fee or reward ſhall be taken; and in caſe any money ſo received ſhall remain in their or any of their hands, the ſame ſhall be paid to the ſaid truſtees,

5 truſtees at meeting may appoint collectors and ſurveyors,

remove, and chuſe others.

Said toll accounted for on oath, if required, firſt Tueſday every month or oftner.

paid, and laid out on ſaid road.

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or any five or more of them, or to ſuch perſon or perſons as the ſaid truſtees, or any five or more of them (as are qualified to act) ſhall by any writing or writings under their hands and ſeals authorize and impower to receive the ſame; which ſhall be diſburſed and laid out in amending the ſaid highway or road according to the true intent and meaning of this act, and not otherwiſe; and the ſaid truſtees, or any five or more of them, to whom ſuch account ſhall be given, ſhall and may out of the money ariſing by the ſaid toll or duty make ſuch allowance to the ſaid receiver or receivers, collector or collectors, and the ſurveyor or ſurveyors, for and in conſideration of his and their care and pains reſpectively taken in the execution of his and their office and offices, and to ſuch other perſon or perſons, who ſhall have been or ſhall be aſſiſting in and about procuring the ſaid highways and roads to be amended and repaired by advancing or laying out any moneys, or otherwiſe relating thereunto, as to them ſhall ſeem good: and in caſe the ſaid receiver or receivers, collector or collectors, of the aforeſaid toll and duty, or any of them, ſhall not make ſuch account and payment unto ſuch perſon and perſons, according to the orders and directions of the ſaid truſtees, or any five or more of them as aforeſaid, that then the ſaid juſtices of the peace at any ſpecial ſeſſions or meeting of them to be holden for the county, in which the ſaid receiver or receivers, collector or collectors, have acted or been employed, and made ſuch default as aforeſaid, ſhall make inquiry of and concerning ſuch default, as well by confeſſion of the ſaid parties themſelves, as by the teſtimony of one or more credible witneſs or witneſſes upon oath, which oath they are hereby impowered and required to adminiſter without fee or reward; and if any perſon or perſons ſhall be convicted thereof by ſuch juſtices, the ſaid juſtices ſhall upon ſuch conviction commit the party or parties to the common goal of the county, where ſuch offence ſhall be committed, there to remain without bail or mainprize until he or they ſhall have made a true and perfect account and payment as aforeſaid.

Allowance to collectors, ſurveyors, &c.

On default of account and payment, juſtices at any ſpecial ſeſſions ſhall inquire, and commit offenders.

Surveyors may dig for materials in any neighbouring waſte or common, without paying.

VI. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid ſurveyor or ſurveyors, and ſuch perſon or perſons as he or they ſhall appoint, to dig, raiſe, gather, take, and carry away, any gravel, furze, ſand, ſtones, or other materials, out of any waſte or common of any pariſh, town, village, or hamlet, in or near which any founderous or ruinous places of the ſaid highways or roads do lye; and for want of ſufficient gravel, furze, ſand, ſtones, or other materials there, to dig, gather, raiſe, take, and carry away the ſame out of the waſte or common of any neighbour-

ing

ing pariſh, town, village, or hamlet, without paying any thing for the ſame; and where there is not ſufficient of ſuch materials in any commons or waſte grounds near adjoyning, it ſhall and may be lawful for them by order of the ſaid truſtees, or any five or more of them, to dig, raiſe, and gather the ſame, in the ſeveral grounds of any perſon or perſons, not being a houſe, garden, orchard, yard, or meadow, planted-walk or walks, or avenue to a houſe, where any ſuch materials are or may be found, and from time to time to carry away ſuch and ſo much thereof, as the ſaid ſurveyor or ſurveyors in their reſpective places ſhall adjudge neceſſary for the repairing and amending the ſaid highways or roads, paying ſuch rate for ſuch materials and for the damage to the owner or occupier of the ground, from whence the ſame ſhall be digged, raiſed, gathered, and carried away, as the truſtees appointed or to be appointed to put this act in execution, or any five or more of them, ſhall adjudge reaſonable; and in caſe of any difference between ſuch owner or occupier and the ſaid truſtees touching the value of the materials and damage aforeſaid, the judges of aſſize, or the juſtices of the peace at the next general aſſizes and general goal delivery, or quarter-ſeſſions to be holden in the county, where ſuch materials ſhall be digged, raiſed, or gathered, and from whence the ſame ſhall be carried away, may and ſhall adjudge, aſſeſs, and finally determine the ſame.

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or for want thereof may dig by order of 5 truſtees in any perſons grounds, (not being a houſe, garden, &c. paying as truſtees think reaſonable: 11 G. 2. 17. *may dig in ground uſed for potatoe garden.*

Differences between owner and truſtees adjuſted at aſſizes or ſeſſions.

VII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſurveyor or ſurveyors, and ſuch perſon or perſons as he or they ſhall appoint, from time to time to remove and prevent annoyances on any part of the ſaid highways or roads hereby intended to be repaired, by removing any filth, dung, aſhes, rubbiſh, water-courſes, ſinks, or drains running into the ſaid highways or roads, and by cleanſing any ditch or water-courſes adjoyning to the ſaid roads, or by cutting down, lopping, or topping any trees or buſhes growing in the ſaid highways, or in the hedges or banks adjacent to the ſaid highways, and to take and carry away the ſame; (the owners or occupiers neglecting to cut down ſuch trees or buſhes, or to remove ſuch other annoyances for the ſpace of ten days after notice in writing given for that purpoſe under the hands of five of the ſaid truſtees) the charges whereof ſhall be reimburſed the ſaid ſurveyor or ſurveyors by ſuch owners or occupiers neglecting to cut down the ſaid trees or buſhes, or to remove ſuch other annoyances as aforeſaid; and if after removal of any ſuch annoyances, any perſon or perſons ſhall again offend in the like kind, every ſuch perſon or perſons ſo offending, and being thereof convicted upon oath before one or more juſtice or juſtices of the peace for the ſaid county where ſuch offence ſhall be committed, ſhall for every ſuch

Surveyors, &c. may remove annoyances, cleanſe ditches adjoining, cut down or lop trees (on neglect of owner or occupier 10 days after notice in writing by 5 truſtees:

Charges reimburſed by occupier.

Offenders after removal pay on conviction before a juſtice 10s. to truſtees.

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such offence forfeit and pay unto the said trustees the sum of ten shillings, to be levied in manner aforesaid.

Surveyors by order of 5 trustees may make causeways, and cut drains thro' grounds contiguous, and erect arches,

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said surveyor or surveyors, by order of the said trustees, or any five or more of them, to make or cause to be made causeways, and to cut and make drains through any ground lying contiguous to the said roads, and to erect arches of brick, timber, or stone thereupon; and also to widen any of the narrow parts of the said highways or roads by opening, clearing, and laying into the said highways or roads any grounds of any person or persons lying contiguous to such highways or roads, not being a house, garden, orchard, planted-walk, or avenue to a house; and also to cause ditches or trenches to be made in such places and in such manner as such surveyor or surveyors by order of the said trustees, or any five or more of them, shall adjudge necessary for the better amending and keeping the said highways or roads in good repair, making such reasonable satisfaction to the owner or occupier of such ground, which shall be so laid in or unto the said highways or roads, through which any such drain or drains shall be cut, or on which any such arch or arches shall be made, for the damages which he or they shall or may thereby sustain, as shall be assessed and adjudged by the next going judge or judges of assize, or the justices of the peace, or the major part of them, at the next general assizes or quarter-sessions to be holden for the county, in which such ground shall be laid into the said highways or roads, and through which any such drain or drains, ditch or ditches, shall be cut or made, or on which such arch or arches shall be erected or made, or such causeways made, in case of any difference concerning the same; and if any owner or occupier of any water-course, ditch or ditches, adjoyning to the said highways or roads shall neglect or refuse to scour or cleanse such water-courses, and to make such ditches so deep, and in such manner, as the surveyor or surveyors shall adjudge proper and convenient, after ten days notice shall be given for that purpose by such surveyor or surveyors to be appointed, or such person or persons as shall be appointed by him or them, to such owner or owners, it shall and may be lawful to and for the surveyor and surveyors to set any man or men to work to scour, cleanse, and make the same, and by warrant from any five or more of the said trustees to levy the charge thereof upon the persons, goods, or estates of the owner or owners, occupier or occupiers of such water-course, ditch or ditches, by distress and sale of his, her, or their goods and chattles, rendring the overplus (if any be) to the said owner or occupier after all charges paid.

and widen roads by taking in grounds (not being a house, garden, &c. and make trenches:

making reasonable satisfaction,

assessed at assizes or sessions on any difference.

Owner of water-courses or ditches not cleansing them on 10 days notice, surveyor may do it, 23 G. 2. 16.

and by warrant of 5 trustees levy the charge.

IX. And

A. D. 1729. Chap. 19.

IX. And forasmuch as the money to be collected by such receipt of the toll will not be sufficient for the speedy repairing the said highways and roads: be it further enacted by the authority aforesaid, That the said trustees, or any nine or more of them, shall and may, and are hereby impowered from time to time by writing under their respective hands and seals to assign over the said toll or duty hereby granted, or any part thereof, the costs and charges whereof to be born and paid out of such toll or duty, for any time or term during the continuance of this act, as a security for any sum or sums of money by them to be borrowed for that purpose, to such person or persons, or their trustees, who shall advance and lend the same, to secure the repayment thereof with lawful interest, or less, if the same can be so had; which said money borrowed shall be applied and disposed of, as the said toll or duty should have been applied and disposed of by this act, and to no other use or purpose whatsoever.

Nine trustees may assign the toll as security for money borrowed to repair said road.

X. Provided always, That in case there shall be more than one gate or turnpike in, cross, or on the side of the said highway or road between the said city of Dublin and the said town of Navan, no person or persons having paid the toll or duty at the the first gate or turnpike, through which such person or persons shall pass, and producing a note or ticket that the said toll or duty was paid, which note or ticket the receiver or receivers, collector or collectors, is and are hereby required to give gratis, shall be liable to pay any toll or duty at any other of the said gates or turnpikes upon or on the side of the said highway or road, such person or persons delivering the said note or ticket to the said receiver or receivers, collector or collectors, of the said toll or duty at the latter gate or turnpike the same day; and no person or persons having occasion to pass the place or places, where the toll or duty is taken, and who shall return the same day upon or with the same horse, mare, gelding, ass, mule, cattle, coach, chariot, berlin, chaise, chair, calash, waggon, cart, carr, or other carriage, shall be lyable or compellable the same day to pay the said toll or duty more than once on the said road.

Persons delivering a ticket of payment at the first gate, not liable to pay at another,

nor returning the same day with same horse or carriage.

XI. And for preventing frauds and abuses in the said toll or duty; be it enacted by the authority aforesaid, That if any person or persons having paid the toll or duty by this act granted and made payable, and having such note or ticket, notes or tickets, as hereby directed, shall give and dispose of the same to any other person or persons in order to avoid the payment of the said toll or duty, every such person giving, disposing, or offering, and the person receiving such note or ticket, notes or tickets, and being thereof convicted upon oath before the said trustees, or any five or more of them, or before any one or more justice or justices of

Giver and receiver of a ticket to avoid toll shall respectively forfeit 10 s.

A. D. 1729. Chap. 19.

the peace for the county wherein ſuch offence or offences ſhall be committed, ſhall reſpectively forfeit and pay the ſum of ten ſhillings; to be levied, recovered, and diſpoſed of as any other penalty or forfeiture is directed to be levied, recovered, and diſpoſed of by this act.

No toll paid on days of election of members of Parliament for the counties of Dublin and Meath, or boroughs therein.

XII. Provided always, and it is hereby declared, That during the continuance of this act all coaches and paſſengers on horſeback ſhall paſs and repaſs toll-free on the day or days, on which there ſhall be an election for knight or knights of the ſhire to ſerve in Parliament for the ſaid counties of Dublin and Meath, or citizens for the city of Dublin, or of any burgeſs to ſerve in Parliament for any boroughs in the ſaid counties reſpectively; any thing herein contained to the contrary notwithſtanding.

5 truſtees may compound, 23 G. 2. 16.

XIII. And be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any five or more of them, may and are hereby impowered from time to time, as they ſhall ſee convenient or think fit, to compound or agree by the year or otherwiſe with any perſon or perſons uſing to travel through the turnpike or turnpikes to be erected, with any milch cows, horſe, mare, or gelding, aſs or mule, or with any coach, berlin, calaſh, chaiſe, chair, waggon, cart, carr, or other carriage, for any ſum or ſums of money to be paid quarterly from time to time after ſuch agreement ſhall be made.

payable quarterly,

Exempt from toll:

XIV. Provided alſo, and it is hereby declared, that no perſon ſhall be charged with any of the tolls or duties aforeſaid, who ſhall paſs through any of the turnpikes to be erected by this act,

Perſons carrying Kilkenny coals, or materials for repairing ſaid roads, or roads in neighbouring pariſhes:

who ſhall carry any quantities of Kilkenny-coals, or of ſtones, gravel, or other materials for repairing of the ſaid roads, or any of the roads in the pariſhes in which the ſame do lye, or in any of the nighbouring pariſhes;

or corn in ſtraw only:

nor ſhall any perſon or perſons be chargeable with the ſaid toll or duty or any carts, carrs, or waggons loaded with corn in the ſtraw only;

Implements of huſbandry uſed in pariſhes in which ſaid roads lye:

nor for any ploughs, harrows, or other implements of huſbandry in order to the uſing and repairing the ſame in the ſeveral pariſhes, in which the ſaid highways or roads hereby intended to be repaired do lye;

Cattle going to water:

nor ſhall any toll or duty be demanded or taken at any of the turnpikes to be erected for any horſe, mare, gelding, aſs, or mule, or other cattle going to water,

Poſt-horſe with the mail:

or for any poſt-horſe carrying the mail or packet, or of ſuch horſe as is or ſhall be uſed only to ride on by the owner or driver of any waggon, cart, or carriage;

or the waggoner's horſe.

provided ſuch horſe paſs through the ſaid turnpike or turnpikes with ſuch waggon, cart, or carriage;

Soldiers on march:

nor ſhall any toll or duty be demanded or taken for the horſes of ſoldiers paſſing that are upon their march, or for waggons, carts, carrs, or other carriages attending them, or for horſes, waggons, carts, carrs, or

other

other carriages travelling with vagrants ſent by paſſes, or with priſoners tranſmitted from one part of the kingdom to another. A. D. 1729. Chap. 19.

Vagrants paſſed or priſoners tranſmitted.

XV. And be it further enacted by the authority aforeſaid, That every perſon chargeable towards repairing the ſaid highways or roads as aforeſaid ſhall yearly, during the continuance of this act, do and perform two days of that work, commonly called the ſtatute-work, which is appointed by the laws now in being for the amending of the highways in this kingdom, in ſuch manner, place and places, being part of the highways hereby intended to be repaired, and at ſuch time as the ſurveyor or ſurveyors to be appointed by virtue of this act ſhall by writing under his or their hand or hands from time to time order and direct, and ſhall not be again chargeable for the ſame by any ſurveyor or ſurveyors of the reſpective pariſhes, or any perſon whatſoever: and alſo that the reſpective ſurveyor or ſurveyors for the time being of all and every pariſh and pariſhes, in which the ſaid highways and roads intended to be repaired by this act lye, ſhall yearly and every year within four days after requeſt, made to him or them by the ſurveyor or ſurveyors for the time being appointed by virtue of this act, give a liſt or an account in writing under his or their hand or hands of the name or names of all and every perſon or perſons in the ſaid reſpective pariſh or pariſhes, who are by the laws in force chargeable towards the repairing of the highways of the ſaid reſpective pariſhes, and what he or they is or are chargeable with reſpectively for and towards the ſame, to the ſurveyor or ſurveyors appointed or to be appointed by virtue of this act; and that the ſaid ſurveyor or ſurveyors of the ſaid pariſhes ſhall within three days next after notice given by the ſaid ſurveyor or ſurveyors appointed by this act of the time when, and how many of the ſaid perſons, ſo chargeable as aforeſaid, he or they would have to do the ſaid two days work in and upon the ſaid roads to be repaired by this act, either ſummon or give publick notice thereof to the ſaid perſon or perſons ſo chargeable as aforeſaid; and if any ſurveyor or ſurveyors of the ſaid pariſhes reſpectively ſhall neglect or refuſe to do, as they are hereby directed and required, he or they for every offence ſhall forfeit and pay the ſum of forty ſhillings; and if any perſon or perſons keeping a team, cart, carr, or other carriage, and chargeable towards repairing the highways as aforeſaid, ſhall neglect or refuſe to do and perform the ſaid two days work in the ſaid highways by this act intended to be repaired, after ſuch ſummons or publick notice ſhall be given as aforeſaid, he or they reſpectively ſhall forfeit and pay the ſum of five ſhillings for each of the ſaid two days ſuch perſon or perſons keeping a team, cart, carr, or other carriage ſhall make default; and if any labourer or other perſon, ſo chargeable towards repairing

Perſons chargeable to repair ſhall yearly do two days ſtatute work on ſaid roads, as ſurveyor by writing direct:

and not chargeable again.

Surveyors of reſpective pariſhes ſhall yearly in 4 days after requeſt give liſts to ſurveyors by this act appointed of all perſons chargeable.

and in 3 days after notice ſummon thoſe chargeable.

Penalty on pariſh ſurveyors 40 s.

on perſons keeping a cart, &c. 5 s. each day.

A. D. 1727. Chap. 19.

repairing the highways of the ſaid pariſhes ſhall at any time neglect or refuſe, after ſuch ſummons or publick notice given as aforeſaid, to do and perform the ſaid two days work in the ſaid highways by this act intended to be repaired, he or they ſhall reſpectively forfeit and pay the ſum of one ſhilling for each of the ſaid two days ſuch labourer or other perſon or perſons ſhall make default; all which penalties and forfeitures by this act impoſed ſhall be levied and recovered by diſtreſs and ſale of any of the offenders goods and chattels by warrant or warrants under the hands and ſeals of the ſaid truſtees, or any five or more of them, upon the information of one or more credible witneſs or witneſſes upon oath; which oath the ſaid truſtees, or any five or more of them, are hereby impowered to adminiſter; and the ſaid forfeitures and penalties before mentioned, when recovered, after rendring the overplus (if any be) to the party or parties whoſe goods or chattels ſhall be ſo diſtrained, the charges of ſuch diſtreſs and ſale being firſt deducted, ſhall go and be applied for and towards amending the ſaid highways, intended by this act to be repaired, in like manner as the toll intended by this act is to go and be applied.

on others 1 s. each day.

Penalties levied by diſtreſs, by warrant of 5 truſtees, on oath of 1 witneſs,

and applied to amend ſaid road.

XVI. And be it further enacted by the authority aforeſaid, That the ſaid toll and duty hereby granted ſhall take place and have continuance only from and after the tenth day of May in the year of our lord one thouſand ſeven hundred and thirty for and during the term of twenty one years.

Said toll to continue 21 years from 10 May 1730.

7 G. 2. 22. *continued* 24 *years*, &c.

XVII. Provided nevertheleſs, That if any time before the expiration of the ſaid term of twenty one years all parts of the ſaid road ſhall be ſufficiently amended and repaired, and ſo adjudged by the majority of the truſtees appointed, or hereafter to be choſen, by virtue of this act, by an adjudication under their hands and ſeals, that then from and after ſuch adjudication made, and re-payment of ſuch money as ſhall have been advanced or borrowed, with intereſt for the ſame, and the coſts and charges thereof, the toll and duties ſhall ceaſe and determine; any thing herein contained to the contrary notwithſtanding.

unleſs ſaid road is before adjudged by majority of truſtees, under hand and ſeal, ſufficiently repaired.

and money advanced repaid.

XVIII. And be it further enacted by the authority aforeſaid, That for the continuing of a ſufficient number of fit and able perſons to be truſtees for putting in execution all and every the powers in this act contained for and during the continuance thereof, it ſhall and may be lawful to and for the ſaid truſtees, or any five or more of them, upon the death of any of the ſaid truſtees, or any of their removal, or refuſing to act in the ſaid truſt, by any writing or writings under their hands and ſeals from time to time, and at all times hereafter during the term aforeſaid, to elect, nominate,

Five truſtees, on death, removal, or refuſing to act, may elect others living in counties of Dublin and Meath.

hominate, and appoint in the room of ſuch truſtee or truſtees ſo deceaſed, removed, or refuſing to act, ſo many more fit and able perſons, living in the ſaid counties of Dublin or Meath, to be joyned with the ſaid truſtees in the execution of all and every the power and powers in them repoſed by virtue of this act; and all and every perſon or perſons ſo to be choſen truſtee or truſtees to joyn in putting this act in execution, as they are herein before qualified to do, ſhall, and may, and are hereby impowered to act to all intents and purpoſes, in as full, large, and ample manner as the ſaid truſtees are by this act impowered to do, and ſo *toties quoties* as often as occaſion ſhall be or required.

21 or more truſtees ſhall meet at the Tholſel 20 April 1730,

XIX. And be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any twenty one or more of them, ſhall meet at the Tholſel of the city of Dublin on or before the twentieth day of April one thouſand ſeven hundred and thirty, and the ſaid truſtees ſhall then adjourn themſelves, and afterwards meet there, or at any other place or places near the ſaid highways or roads to be repaired, as the ſaid truſtees, or any five or more of them, ſhall think proper or convenient, as often as it ſhall be neceſſary for the putting this act in execution; and if it ſhall happen that there ſhall not appear at any meeting, which ſhall be appointed to be had or held by the ſaid truſtees, a ſufficient number of truſtees to act at ſuch meeting and to adjourn to any other day, then and in ſuch caſe the clerk to the ſaid truſtees by notice in writing, to be affixed at the reſpective gates or turnpikes at leaſt ten days before the next meeting, ſhall appoint the ſaid truſtees to meet at the houſe, where the meeting of the ſaid truſtees was laſt appointed to be held, or at ſome other convenient houſe near the ſaid roads, on the day three weeks next after the day on which ſuch laſt meeting of the ſaid truſtees was appointed to have been held; and that the ſaid truſtees at their firſt meeting, and at all their ſubſequent meetings, ſhall defray their own charges and expences.

adjourn and meet at any place near ſaid road, as often as neceſſary,

and for want of ſufficient number;

the clerk to affix notice on the gates 10 days before next meeting, &c.

23 G. 2. 16.

Truſtees at meeting to defray their own expences.

XX. Provided always, and be it further enacted by the authority aforeſaid, That no perſon or perſons, appointed or to be appointed by this act a truſtee or truſtees for putting this act in execution, ſhall have or accept of any place of profit ariſing out of or by reaſon of the toll or duty by this act laid or granted; but ſuch perſon or perſons ſhall be incapable from the time of accepting and continuing to enjoy ſuch place of profit of acting as a truſtee.

none having place of profit out of the toll ſhall be truſtee.

Suits againſt perſons for acting laid in county of Dublin or Meath.

XXI. And be it further enacted by the authority aforeſaid, That if any ſuit ſhall be commenced againſt any perſon or perſons for any thing done in purſuance of this act, in every ſuch caſe the action ſhall be laid in the ſaid county of Dublin or county of Meath, and not elſewhere; and the defendant or defendants

A. D. 1729.

Defendant may plead general iſſue, &c.

in ſuch action or actions to be brought may plead the general iſſue, and give this act and the ſpecial matter in evidence at any tryal to be had thereupon, and that the ſame was done in purſuance and by the authority of this act; and if it ſhall appear ſo to be done, or that ſuch action or actions ſhall be brought in any other county, that then the jury ſhall find for the defendant or defendants; and upon ſuch verdict, or if the plaintiff ſhall be nonſuited, or diſcontinue his action after the defendant or defendants ſhall have appeared, or on any demurrer judgment ſhall be given againſt the plaintiff, the defendant or defendants ſhall and may recover treble coſts, and have the like remedy for the ſame as any defendant or defendants hath or have in other caſes by law.

and have treble coſts.

this a publick act.

XXII. And be it further enacted by the authority aforeſaid, That this act ſhall be deemed, adjudged, and taken to be a publick act, and be judicially taken notice of as ſuch by all judges, juſtices, and other perſons whatſoever, without ſpecially pleading the ſame.

CHAP. XX.

An Act for the relief of inſolvent debtors.

10 *Wil.* 3. 1.
4 *Anne* 13.
9 *Anne* 10.
2 *G.* 1. 23.
6 *G.* 1. 17.
10 *G.* 1. 11.
1 *G.* 2. 5.
9 *G.* 2. 20.
23 *G.* 2. 17.
29 *G.* 2. 17.
1 *G.* 3. 16.
1 *Anne* 25. *ſtat.* 1. *Eng.*
2 & 3 *Anne* 16. *Eng.*
11 *G.* 1. 21. *Eng.*
2 *G.* 2. 20. *Eng.*
21 *G.* 2. 31. *Eng.*
28 *G.* 2 13. *Eng.*
29 *G.* 2. 18. *Eng.*

WHEREAS many perſons by loſſes and other misfortunes are rendered intapable of paying their whole debts, and, though they are willing to make the utmoſt ſatisfaction they can, are nevertheleſs detained in priſon by their creditors: and whereas ſuch unhappy debtors have always been deemed the proper objects of publick compaſſion, and by ſeveral acts of Parliament have been diſcharged: for the relief therefore of inſolvent priſoners, who ſhall faithfully diſcover upon oath, and deliver up, and aſſign all their eſtates and effects whatſoever for the benefit of their creditors; and to prevent as far as poſſible the many frauds and abuſes, which in a great meaſure have obſtructed the good end of ſuch former acts: be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and every ſheriff or ſheriffs, goaler or keeper of any priſon or priſons, in any county, city, town, and liberty, within this kingdom reſpectively, ſhall and is or are hereby impowered and required to take and make a true, exact, and perfect liſt alphabetically of the name or names of all and every perſon or perſons, who upon the thirtieth day of October in the year one thouſand ſeven hundred and twenty nine was or were actually priſoner or priſoners in the cuſtody of any ſuch ſheriff or ſheriffs, goaler or goalers, or keeper of any priſon reſpectively upon any proceſs whatſoever for or by reaſon of any debt, damages, coſts, ſum or ſums of money, and of the time when ſuch priſoner or priſoners were charged in cuſtody, together with the name or names of the perſon or perſons at whoſe ſuit ſuch priſoner or priſoners is or are detained, and ſhall deliver the ſame to the juſtices at the firſt general or quarter-ſeſſions of the peace to be held after the twenty fifth day of March in the year one thouſand ſeven hundred and thirty for ſuch county, city, town, or liberty reſpectively, and ſhall in open court take an oath to the effect following: *(viz.)*

I A. B. do upon my corporal oath in the preſence of Almighty God ſolemnly ſwear, profeſs, and declare, that all and every perſon and perſons, whoſe name or names are inſerted and contained in the foregoing liſt by me now delivered and ſubſcribed, were to the beſt of my knowledge and belief upon the thirtieth day of October in the year of our Lord one thouſand ſeven hundred and twenty nine really and truly priſoners in the priſon or goal of at the ſuit or ſuits of the ſeveral perſons therein reſpectively mentioned, and ſo have continued without any fraud or deceit by me, or any other to my knowledge, unto this day, unleſs out of priſon by due courſe of law, or otherwiſe out of priſon not exceeding ten days in the whole betwixt the ſaid before mentioned times, and that the ſaid liſt is a true, exact, perfect, and juſt liſt of all ſuch perſons as were really and truly priſoners in the ſaid goal or priſon of on the ſaid thirtieth day of October in the ſaid year one thouſand ſeven hundred and twenty nine, and have from that time to this day ſo continued as aforeſaide.

So help me God.

Which oath the juſtices at the ſaid general or quarter-ſeſſions in open court are hereby impowered to adminiſter; the words of which oath ſhall be entered or written at the end or bottom of every ſuch liſt ſo delivered and ſubſcribed in open court by every ſuch ſheriff, goaler, or keeper reſpectively; which liſt ſo ſubſcribed and ſworn unto ſhall be kept by the clerk of the peace of every ſuch county, city, town, or liberty reſpectively for the better ſatisfaction of the ſaid juſtices, and information of all creditors, and to be ſeen without fee or reward; and the ſaid juſtices at the ſaid general or quarter-ſeſſions ſhall order copies of the ſaid liſt or liſts to be printed by the clerk of the peace; for each of which printed copies he may take, according to the quantity of the names therein contained, what ſhall be ordered by the ſaid juſtices, not exceeding ſix pence for each liſt, the ſame to be paid by ſuch perſon or perſons as ſhall deſire ſuch copy or copies.

II. And to the end that no ſuch poor priſoner may be defeated of his or her diſcharge according to the true intent and meaning of this act, by having his, her, or their name or names left out of the ſaid liſts ſo to be delivered: be it further enacted by the authority aforeſaid, That all and every ſuch ſheriff or ſheriffs, goaler or goalers, or keeper of any priſon is and are hereby required to fix up in the moſt conſpicuous place or places in every ſuch priſon, and at the moſt frequented and uſual gate, door, or entrance into every ſuch priſon, three or more true copies of the liſt or liſt to be delivered at the ſaid general or quarter-ſeſſions ten days before the ſaid ſeſſions; and if any ſuch ſheriff or ſheriffs, goaler or goalers, keeper or keepers of any ſuch priſon, ſhall in any ſuch liſt to be delivered in as aforeſaid neglect or refuſe to inſert the name of any priſoner or priſoners, who was or were in priſon on the ſaid thirtieth day of October one thouſand ſeven hundred and twenty nine, and had continued ſo confined as aforeſaid, the perſon or perſons ſo neglecting or refuſing to inſert the ſame ſhall for every ſuch name or names ſo omitted incur and be ſubject to ſuch penalty or penalties, as are herein after impoſed or laid on every ſuch ſheriff or ſheriffs, goaler or goalers, keeper or keepers, who ſhall neglect or refuſe to make out, fix up, or deliver ſuch liſt as aforeſaid; to be recovered in the ſame manner, and to be applied to ſuch uſe and uſes, as herein after directed for the recovery and application of the penalty in caſe of neglect or refuſal to make out ſuch liſts as aforeſaid.

III. And be it further enacted by the authority aforeſaid, That all and every perſon and perſons, whoſe name ſhall be inſerted in ſuch liſts to be delivered in as aforeſaid, who upon the ſaid thirtieth day of October one thouſand ſeven hundred and twenty nine were actually priſoners in the cuſtody of any ſheriff or ſheriffs, goaler or goalers, or keeper of any priſon reſpectively of this kingdom, and from thence as aforeſaid to the time of their being diſcharged in manner as herein after directed, ſhall continue actually priſoners, who ſhall take the oath herein after mentioned, ſhall and may be for ever releaſed and diſcharged from their impriſonment, in ſuch

ſuch manner as hereafter is provided: (that is to ſay) it ſhall and may be lawful for any juſtice or juſtices of any county, city, town, or liberty within this kingdom, upon the petition of ſuch priſoner or priſoners by warrant under his or their hands and ſeals to require the ſheriff or ſheriffs, goaler or goalers, or keeper of any ſuch priſon within his or their reſpective juriſdictions to bring before the juſtices at the next general or quarter-ſeſſions of the peace to be held next after the expiration of thirty days from the date of the ſaid warrant for ſuch reſpective county, city, town, or liberty, the body of any perſon being in the ſaid priſon as aforeſaid, with the warrant or warrants of his or her detainer, together with a copy or copies of the cauſe or cauſes, which he, ſhe, or they is or are charged with in the ſeveral goals and priſons as aforeſaid, at the time aforeſaid; which warrant of the ſaid juſtice or juſtices every ſuch ſheriff, goaler, or keeper is hereby commanded to obey; and ſuch priſoner, coming before ſuch juſtices at the ſaid general or quarter-ſeſſions, ſhall in open court ſubſcribe and deliver in a ſchedule of his or her whole eſtate, and the names of his or her ſeveral debtors, and the ſeveral ſums of money from them reſpectively ſecured or owing upon any ſpecialty, contract, or other account whatſoever, and the names and places of abode of the ſeveral perſons, from whom ſuch debts are due and owing, and of the witneſſes who can prove ſuch debts or contracts, (if there be any ſuch) and make oath and ſwear to the effect following: (that is to ſay)

I A. B. *do upon my corporal oath in the preſence of Almighty God ſolemnly ſwear, proteſt, and declare, that on the thirtieth of October in the year of our Lord one thouſand ſeven hundred and twenty nine I was a priſoner within the priſon of*

in the cuſtody of the goaler or keeper of the ſaid priſon of

at the ſuit of *without my conſent or procurement, and without any fraud or colluſion whatſoever, and from that time till this day have been in cuſtody and confined at the ſuit or ſuits of the perſon or perſons before named, unleſs at ſuch time when I was out of priſon by due courſe of law, or otherwiſe out of priſon not exceeding ten days in the whole, betwixt the times before mentioned; and that the ſchedule now delivered and by me ſubſcribed doth contain to the beſt of my knowledge, remembrance, or belief, a full, juſt, true, and perfect account and diſcovery of all the eſtate, goods, and effects unto me in any wiſe belonging, and ſuch debts as are to me owing, or to any perſon or perſons in truſt for me, and of all the ſecurities and contracts whereby any money now is, or will, or may hereafter become payable, or any benefit or advantage accrue to me or to my uſe, or to any perſon or perſons in truſt for me, and the names and places of abode of the ſeveral perſons from whom ſuch debts are due and owing, and of the witneſſes that can prove ſuch debts or contracts, and that neither I, nor any other perſon or perſons in truſt for me, have lands, money, ſtock, or any eſtate real or perſonal in poſſeſſion, reverſion, or remainder, other than what are in the ſaid ſchedule contained, excepting wearing apparel, bedding for my ſelf and family, workin,g tools and neceſſary implements for my occupation and calling, and thoſe in the whole not exceeding the value of ten pounds; and that I have not directly or indirectly ſold, leſſened, or otherwiſe conveyed, diſpoſed of in truſt, or concealed all or any part of my land, money, goods, chattels, ſtocks, debts, ſecurities, contracts, or eſtates real or perſonal, whereby to ſecure the ſame, to receive or expect any profit or advantage thereof, or to defraud or deceive any creditor or creditors to whom I am indebted in any wiſe howſoever.*

So help me God.

And which ſaid ſchedule, being ſo ſubſcribed in the preſence of the juſtices in open court and ſeſſions aforeſaid, is to remain with the clerk of the peace for the better information of all the creditors of ſuch priſoner; and all the eſtate, right, title, intereſt and truſt of ſuch priſoner of in and unto ſuch real eſtate, as well copy or cuſtomary-hold, as freehold, and ſuch perſonal eſtate, debts, and effects

effects contained in ſuch ſchedule as aforeſaid ſhall immediately after the diſcharge of ſuch priſoner be and is hereby veſted in the clerk of the peace of and for the county, city, or town corporate, who is hereby directed and authorized by order of the juſtices at their general or quarter-ſeſſions of the peace to make an aſſignment of the ſaid eſtate and effects to ſuch of the creditors of the ſaid priſoner, as the major part of the ſaid creditors of the ſaid priſoner, who ſhall apply for the ſame, by any writing under their hands ſhall direct or appoint; for which aſſignment the ſaid clerk of the peace ſhall take a fee of one ſhilling and no more, in truſt for themſelves and the reſt of the creditors; which ſaid aſſignee or aſſignees is and are hereby impowered to ſue in his, her, or their own name or names for and to recover and receive the ſame, and to give ſufficient diſcharge and diſcharges to each reſpective debtor or debtors, and fully to divide the ſaid priſoners eſtate and effects, or the moneys ariſing from the ſale or diſpoſition thereof, ſuch ſale or diſpoſition to be approved of by the major part of the ſaid creditors in writing as aforeſaid, among the creditors of ſuch priſoner, who within one month after notice of ſuch intended dividend be publiſhed in the Dublin Gazette publiſhed by authority ſhall produce to ſuch aſſignee or aſſignees an affidavit made before one or more juſtice or juſtices of the peace, who is and are hereby impowered to take the ſame, proving his or her debt due from the ſaid priſoner ſo diſcharged, in equal proportions according to their reſpective debts; and, after the ſame is recovered and received, to render the overplus, if any ſhall be, their own debts and charges firſt deducted, to the priſoner, his executors or adminiſtrators.

IV. Provided always, That nothing herein before contained ſhall extend to prejudice or affect any eſtate, intereſt, or right whatſoever of any other perſon or perſons than the ſaid priſoner, which may be expectant upon or ſubſequent unto the eſtate or intereſt of the ſaid priſoner hereby veſted in the ſaid clerk of the peace; but that the eſtate, intereſt, and all rights whatſoever of every ſuch other perſon or perſons as aforeſaid ſhall remain and continue in the ſame manner, as if this act had not been made.

V. Provided alſo, and be it enacted by the authority aforeſaid, That where any rent, not exceeding one years rent, ſhall be due to any perſon or perſons from any ſuch priſoner or priſoners at the time of his or their reſpective diſcharges, or in reſpect of any meſſuage, lands, or tenements, then in leaſe to ſuch priſoner or priſoners reſpectively for life or lives, for years, at will or otherwiſe, no goods or chattels then lying or being in or upon the reſpective tenements ſo in leaſe, or lyable to be diſtrained, ſhall be aſſigned by the clerk of the peace in manner aforeſaid; but ſhall by ſuch clerk of the peace be transferred to ſuch landlord or landlords, or ſome perſon or perſons intruſted for him or them reſpectively, towards ſatisfaction of the rent then due, not exceeding one years rent as aforeſaid; unleſs the perſon or perſons, to whom ſuch aſſignment ſhall be made by ſuch clerk of the peace, ſhall by writing under his or their reſpective hands and ſeals before ſuch aſſignment agree to pay or ſatisfy to ſuch landlord or landlords the rent to him or them reſpectively due, not exceeding one years rent as aforeſaid, to the intent that ſuch landlord or landlords may be ſatisfied the rent or rents to him or them reſpectively due, before any diviſion of the eſtate or effects of ſuch priſoner or priſoners among his other creditors, in like manner as he or they might be ſatisfied the rent to him or them reſpectively due before the removal of ſuch goods or chattels, by virtue of an execution by force of the ſeveral ſtatutes made in this kingdom to prevent frauds committed by tenants; any thing herein before contained to the contrary thereof in any wiſe notwithſtanding.

VI. Provided alſo, and be it enacted by the authority aforeſaid, That nothing in this act ſhall extend or be conſtrued to hinder or prevent any mortgage or mortgages upon the eſtate of ſuch priſoner or priſoners, or any part thereof, to take place upon the lands, tenementss, or hereditaments comprized in ſuch mortgage or mortgages reſpectively, nor to prevent any ſtatute ſtaple, ſtatute merchant, recognizance, or judgment acknowledged by, or obtained againſt, any ſuch priſoner

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ſoner or priſoners to take place upon the lands, tenements, or real eſtate of ſuch priſoner or priſoners; and alſo where any inquiſition ſhall have been taken upon ſuch ſtatute or recognizance, or any writ of execution ſhall have been taken out, and delivered to the ſheriff or the proper officer upon any ſuch judgment before ſuch aſſignment made by the clerk of the peace as aforeſaid, upon his or their perſonal eſtates reſpectively, preferably, and prior to any diviſion of the eſtate and effects of ſuch priſoner or priſoners, among his other creditor or creditors for ſo much as ſhall remain really due upon any ſuch mortgage, ſtatute, recognizance, or judgment reſpectively, in like manner as ſuch mortgagees and creditors by ſtatute, recognizance, or judgment, would have been preferred to other creditors of an inferior nature, againſt the real or perſonal eſtate of ſuch priſoner and priſoners reſpectively, if this act had not been made; any thing herein before contained to the contrary hereof in any wiſe notwithſtanding.

VII. And be it further enacted by the authority aforeſaid, That the juſtice or juſtices, who ſhall grant ſuch warrant or warrants for bringing ſuch priſoner or priſoners before the juſtices at the general or quarter-ſeſſions, ſhall give a writing, importing notice to all the creditors of ſuch priſoner or priſoners petitioning as aforeſaid under his or their hands and ſeals that he or they hath or have granted ſuch warrant, and that the ſaid priſoner or priſoners have or hath petitioned to be diſcharged, and the ſaid notice ſhall be left for or ſerved upon the perſon or perſons, his or their executors or adminiſtrators, or ſome or one of them, or his or their attorney or agent lawfully authorized, or the ſame, or a true copy thereof, ſhall be left at the dwelling-houſe or uſual place of abode of the ſaid perſon or perſons, or with the attorney, ſolicitor, or agent laſt employed in the cauſe or cauſes by the ſaid plaintiff or plaintiffs, at whoſe ſuit the priſoner or priſoners ſhall be impriſoned; and every priſoner confined in priſon within the city of Dublin, or weekly bills of mortality, ſhall cauſe the like notice to be given to every other creditor inhabiting or otherwiſe reſiding within the ſaid city or weekly bills; and alſo that the like notice ſhall be given to every other creditor inhabiting or otherwiſe reſiding within ten miles of the priſon, where ſuch priſoner ſhall be in cuſtody; which ſaid notice ſhall be left with or ſerved on the perſon or perſons as before directed thirty days before ſuch general or quarter-ſeſſions appointed by the ſaid warrant; and publick notice ſhall alſo be inſerted in the Dublin-Gazette publiſhed by authority, containing the name, trade, or occupation, and laſt place of abode of every priſoner, and of the priſon wherein he or ſhe is confined, and of his or her intention to take the benefit of this act (for which there ſhall be paid two pence for each name, and no more) thirty days before ſuch general or quarter-ſeſſions appointed as aforeſaid by the ſaid warrant, ſo that as well all the ſaid creditors, as have not charged the ſaid priſoner or priſoners in cuſtody, as thoſe creditors which have, ſhall have ſufficient notice as aforeſaid, and the ſaid priſoner or priſoners may appear before the juſtices at the general or quarter-ſeſſions to be held for the ſame county, city, town, or liberties as aforeſaid; and in caſe it ſhall be proved upon oath before the ſaid juſtices, that the ſaid notice was ſo ſerved or left as aforeſaid, and publick notice inſerted in the Dublin-Gazette publiſhed by authority thirty days before the ſaid general or quarter-ſeſſions, and that the ſaid perſon ſo petitioning was actually a priſoner as aforeſaid upon the ſaid thirtieth day of October in the ſaid year one thouſand ſeven hundred and twenty nine, and ſhall have continued to the time of ſuch priſoner or priſoners diſcharge, and the ſaid oath taken by ſuch priſoner be not diſproved by good teſtimony of any credible perſon or perſons on oath to be adminiſtered by the ſaid juſtices, then the ſaid juſtices in their ſaid general or quarter-ſeſſions, or the major, part of them being ſatisfied therewith, ſhall thereupon by order of the ſaid ſeſſions command the ſheriff or ſheriffs, goaler or goalers, or keeper of any ſuch priſon or priſons, forthwith to ſet at liberty ſuch priſoner without having or taking any fee or reward, other than ſix pence for his or their attendance with ſuch priſoner at ſuch general or quarter-ſeſſions, in order for his or her diſcharge; which

ſum

ſum of ſix pence ſuch ſheriff or ſheriffs, goaler or goalers, keeper or keepers of ſuch priſon, are hereby authorized and impowered to receive and take for the purpoſes aforeſaid, and no more; which order ſhall be a ſufficient diſcharge to the ſheriff or ſheriffs, goaler or goalers, or keeper of ſuch priſon or priſoners, and ſhall indempnify him or them againſt any eſcape or eſcapes, action or actions whatſoever, which ſhall or may be brought, commenced, or proſecuted againſt him or them by reaſon thereof.

VIII. And be it further enacted by the authority aforeſaid, That any court of general or quarter-ſeſſions, which purſuant to the true intent and meaning of this act ſhall make any order for the diſcharge of any priſoner or priſoners aforeſaid, ſhall, if required by any creditor or creditors who ſhall oppoſe ſuch priſoners diſcharge, adminiſter and give ſuch ſheriff or ſheriffs, goaler or goalers, keeper or keepers of ſuch priſon or priſons, wherein the ſaid priſoner or priſoners is or are, an oath to the effect following: (that is to ſay)

I A. B. *do ſwear, that was really and truly my priſoner in my cuſtody in the priſon of to the beſt of my knowledge and belief at or upon the ſaid thirtieth day of October in the year of our Lord one thouſand ſeven hundred and twenty nine, and from that time to the beſt of my knowledge hath till this day ſo continued, unleſs out of priſon by due courſe of law, or otherwiſe out of priſon not exceeding ten days in the whole, betwixt the times before mentioned and the warrant or warrants of his or her detainer; and the copy or copies of the cauſe or cauſes now by me brought with the body of the ſaid is the warrant of his or her detainer, and is or are a true copy or copies, without any fraud or deceit by me, or by any other to the beſt of my knowledge.*

So help me God.

IX. Provided always, and be it enacted by the authority aforeſaid, That if ſuch perſon or perſons, as was the ſheriff or ſheriffs, goaler or goalers, or keeper of ſuch goal or priſon, on the ſaid thirtieth day of October one thouſand ſeven hundred and twenty nine, ſhall not happen to be the ſheriff or ſheriffs, goaler or goalers, or keeper of ſuch goal or priſon at the time of making ſuch order, that the ſaid general or quarter-ſeſſions, if required as aforeſaid, ſhall adminiſter and give to ſuch perſons, as ſhall be ſheriffs, goaler, or keeper of ſuch priſon or priſons at the time of making ſuch order, an oath touching the commitments or books of commitments, to the effect following: (that is to ſay)

I A. B. *do ſwear, that I have examined the commitments or books kept of or concerning the commitment of priſoners to the priſon of in the county of and I verily believe that the ſaid commitments or books of commitment are really true and not fictitious, nor calculated for this purpoſe; and by them it does appear that was upon the thirtieth day of October, which was in the year of our Lord one thouſand ſeven hundred and twenty nine really and truly a priſoner in the cuſtody of the then ſheriff, goaler, or keeper of the ſaid priſon; and from that time hath ſo continued without fraud or deceit by me or the ſaid or any other perſon or perſons to my knowledge.*

So help me God.

X And whereas great numbers of workmen ſkilful in the ſeveral trades and manufactures of this kingdom, and alſo many able ſeamen and mariners, finding themſelves unable to ſatisfie the whole of their reſpective debts, and dreading the miſeries of a goal, have choſe to leave their employments and native country, and have entered themſelves in foreign ſervice: and whereas their continuance abroad

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abroad muſt be of great prejudice to the trade of this kingdom: in order therefore to induce and enable ſuch perſons to return, be it enacted by the authority aforeſaid, That all and every debtor and debtors, having ſerved an apprenticeſhip unto, or having been for one year employed in any trade or manufacture of this kingdom as a workman or workmen therein, or in the ſea-ſervice as a mariner or mariners, and who was or were actually beyond the ſeas in foreign parts on the twenty fifth day of December one thouſand ſeven hundred and twenty nine, who ſhall return and ſurrender himſelf or themſelves unto the Marſhal, goaler, keeper or keepers of the priſons of the Four-courts or other marſhalſea, or to the priſon or priſons of ſuch county or counties where ſuch debtor or debtors laſt dwelt for the ſpace of ſix months; which ſaid goaler or goalers, keeper or keepers, are hereby required and impowered to receive and detain ſuch debtor or debtors ſurrendering as aforeſaid in order to their diſcharge as herein after mentioned, ſhall from and immediately after ſuch ſurrender as aforeſaid be deemed a priſoner or priſoners within, and be to all intents and purpoſes intitled to the benefit of this act, and ſhall upon due proof of the ſaid premiſſes by the oath of ſuch debtor or debtors, not diſproved by any credible witneſs, be diſcharged in the ſame manner, as if he or they had been actually in priſon on the ſaid thirtieth day of October one thouſand ſeven hundred and twenty nine, and continued therein as aforeſaid; ſubject nevertheleſs to the ſame reſtrictions and proviſions, and upon compliance with the ſame terms, conditions, and qualifications herein before impoſed upon the ſaid priſoners in actual cuſtody upon the ſaid thirtieth day of October in the ſaid year one thouſand ſeven hundred and twenty nine; and alſo ſubject to the terms and proviſions relating to the eſtate and effects of ſuch priſoners as aforeſaid, excepting only ſuch particulars thereof as require the name of a priſoner to be inſerted in the ſheriff's, goaler's, or keeper's liſt as aforeſaid, or relate to the oath of ſuch ſheriff, goaler, or keeper, herein before appointed to be taken; and alſo ſo much thereof as requires notice to be ſerved upon the perſon or perſons, at whoſe ſuit or ſuits ſuch priſoner is confined; which particulars cannot poſſibly be applied to the caſe of perſons ſurrendering themſelves as aforeſaid; and alſo except the ſaid oath herein before appointed to be taken by priſoners in cuſtody upon the ſaid thirtieth day of October in the ſaid year one thouſand ſeven hundred and twenty nine, inſtead whereof the ſaid perſon or perſons ſo ſurrendering ſhall take an oath to the effect following; which the ſaid juſtices authorized to put this act in execution are hereby required and impowered to adminiſter in ſuch manner, as the oaths herein before mentioned are to be adminiſtered.

I A. B. *do upon my corporal oath in the preſence of Almighty God ſolemnly ſwear, proteſt, and declare, that I have ſerved an apprenticeſhip unto*
or have been employed as a workman in the trade of
or in manufacturing of *or in the ſea-ſervice as a mariner, and have been ſo employed for the ſpace of one year; and that on the twenty fifth day of December in the year of our Lord one thouſand ſeven hundred and twenty nine I was actually beyond the ſeas in foreign parts:* (viz.) *at*
and that the ſchedule now delivered and by me ſubſcribed doth contain to the beſt of my knowledge, remembrance, and belief, a full, juſt, true, and perfect account and diſcovery of all the eſtate, goods, and effects unto me in any wiſe belonging, and ſuch debts as are to me owing, or to any perſons in truſt for me, and of all the ſecurities and contracts whereby any money now is, or will, or may hereafter become payable, or any benefit or advantage accrue to me or to my uſe, or to any perſon or perſons in truſt for me, and the names and places of abode of the ſeveral perſons from whom ſuch debts are due and owing, and of the witneſſes that can prove ſuch debts or contracts; and that neither I nor any other perſon or perſons in truſt for me have land, money, ſtock, or any eſtate real or perſonal in poſſeſſion, reverſion, or remainder, other than what are in the ſaid ſchedule contained, excepting wearing apparel,

apparel, bedding for my ſelf and family, working-tools, and neceſſary implements for my occupation and calling, and theſe in the whole not exceeding the value of ten pounds; and that I have not directly or indirectly ſold, leſſened, or otherwiſe conveyed, diſpoſed of in truſt, or concealed all or any part of my land, money, goods, chattles, ſtocks, debts, ſecurities, contracts, or eſtates real or perſonal whereby to ſecure the ſame, to receive or expect any profit or advantage thereof, or to defraud or deceive any creditor or creditors, to whom I am indebted, in any wiſe howſoever.

So help me God.

XI. And be it further enacted by the authority aforeſaid, That if any ſheriff or ſheriffs, goaler or goalers, or keeper of any priſon, ſhall without juſt cauſe, to be approved by the ſaid juſtices, refuſe or delay to bring any ſuch priſoner or priſoners as aforeſaid, although in execution, to the ſaid general or quarter-ſeſſions, in order to his or her diſcharge, or ſhall neglect or refuſe to make out and deliver ſuch liſts as aforeſaid, or take any of the ſaid oaths before mentioned; or ſhall upon any account or pretence whatſoever take or receive more, than the ſaid ſum of ſix pence herein before allowed for his or her attendance in order to be diſcharged of ſuch priſoner or priſoners as aforeſaid, or ſhall detain the priſoner, after he or ſhe ſhall be diſcharged as aforeſaid; or if the printer of the Dublin Gazette, publiſhed by authority, ſhall neglect or refuſe to inſert therein the name, trade, occupation, and laſt place of abode of ſuch priſoner on a reaſonable requeſt and notice to him made and given for that purpoſe, or ſhall take or receive any fee or gratuity more than ſix pence as aforeſaid for ſo doing; every ſuch ſheriff, goaler, and keeper of ſuch priſon and priſons, and ſuch printer of the Dublin Gazette publiſhed by authority, ſhall reſpectively forfeit and pay to each priſoner the ſum of ten pounds; which ſhall and may be recovered with treble coſts of ſuit by action of debt, bill, plaint, or information, in any of the courts of Dublin, wherein no eſſoign, protection, or wager of law, or more than one imparlance, ſhall be allowed.

XII. And be it further enacted by the authority aforeſaid, That if any ſuch ſheriff or ſheriffs, goaler or goalers, or keeper of any priſon, ſhall in taking any of the afore-mentioned oaths forſwear or perjure himſelf, and ſhall be thereof lawfully convicted, ſuch ſheriff, goaler, or keeper of ſuch priſon or priſons, over and above ſuch penalties as may be inflicted on perſons convicted of perjury, ſhall upon every ſuch conviction forfeit and pay the ſum of five hundred pounds; to be recovered with full coſts by bill, plaint, or information, or action of debt, in any of his Majeſty's courts at Dublin, wherein no eſſoign, protection, wager of law, or other delay to be allowed, by and in the name of ſuch perſons, their executors and adminiſtrators, as ſhall in purſuance of this act be appointed aſſignees of the eſtate and effects of the priſoner or priſoners, for diſcharging of whom ſuch perjury ſhall be committed; and for want of ſuch aſſignees in the name or names of any other creditor or creditors who will ſue for the ſaid penalties; to be applied, one moiety to the informer or informers, and the other moiety towards ſatisfaction of the debts of ſuch his creditor and creditors.

XIII. And be it further enacted by the authority aforeſaid, That if any perſon, who now is, or was on the ſaid thirtieth day of October one thouſand ſeven hundred and twenty nine ſheriff, goaler, or keeper of any priſon, ſhall inſert in any liſt or liſts, delivered in as aforeſaid, the name or names of any perſon or perſons, who was or were not priſoner or priſoners actually in cuſtody on the ſaid thirtieth day of October one thouſand ſeven hundred and twenty nine, or, being priſoner or priſoners on the ſaid thirtieth day of October one thouſand ſeven hundred and twenty nine, did not from that time actually continue ſuch, to the time of making out and delivering ſuch liſts, according to the tenor of the ſaid oath taken at the time of delivering in ſuch liſts, every ſuch ſheriff, goaler, or keeper, ſhall for every name ſo inſerted as aforeſaid forfeit and pay the ſum of two hundred

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pounds, to be recovered in the ſame manner, and be applied to the ſame uſe or uſes, as is herein before directed for recovery of the penalty and forfeiture in caſe of conviction of perjury.

XIV. And be it further enacted by the authority aforeſaid, That if any clerk of the peace ſhall delay or refuſe to give every or any ſuch priſoner, ſo diſcharged as aforeſaid, within ſixty days after his or her diſcharge a duplicate of his or her diſcharge on the payment of one ſhilling, or ſhall take more than the ſaid ſum of one ſhilling for ſuch duplicate, he ſhall forfeit and pay to every ſuch priſoner the ſum of twenty pounds, to be ordered to be paid by the juſtices of the peace at their general quarter-ſeſſions of the peace, who are hereby impowered to levy the ſame by diſtreſs and ſale of the goods of the perſon ſo offending.

XV. And be it further enacted by the authority aforeſaid, That if any priſoner as aforeſaid, or any perſon or perſons enabled to take the benefit of this act, ſhall forſwear or perjure himſelf, herſelf, or themſelves in any of the matters aforeſaid, and ſhall be thereof lawfully convicted of wilful perjury, he or ſhe ſhall be adjudged a felon, and ſuffer as ſuch without benefit of clergy or of the ſtatute.

XVI. And be it further enacted by the authority aforeſaid, That no perſon, to be diſcharged by this act, ſhall at any time hereafter be impriſoned by reaſon of any judgment or decree obtained for payment of money only, or for any debt, damages, contempts, coſts, ſum or ſums of money contracted, incurred, occaſioned, owing or growing due before the ſaid thirtieth day of October in the ſaid year of our Lord one thouſand ſeven hundred and twenty nine, with reſpect to the priſoners then actually in priſon, or before the ſaid thirtieth day of October in the ſaid year one thouſand ſeven hundred and twenty nine, with reſpect to debtors beyond ſea, upon the ſaid twenty fifth day of December one thouſand ſeven hundred and twenty nine, who are intitled to the benefit of this act, but that upon every arreſt upon every ſuch judgment or ſuch decree, or for ſuch debts, damages, contempts, coſts, ſum or ſums of money, it ſhall and may be lawful for any judge of the court, where the proceſs iſſued, upon ſhewing the duplicate of ſuch priſoner's diſcharge or diſcharges to releaſe and diſcharge out of cuſtody ſuch priſoner or priſoners as aforeſaid, and the judge is hereby impowered ſo to do, ſo as every ſuch priſoner or priſoners, arreſted or detained upon execution or meſne proceſs, do give a warrant of attorney to appear to every ſuch action, and to plead thereunto.

XVII. And be it further enacted by the authority aforeſaid, That if any action of eſcape, or any ſuit or action, be brought againſt any juſtice or juſtices of the peace, ſheriff, goaler, or keeper of any priſon, for performing their office in purſuance of this act, they may plead the general iſſue, and give this act in evidence; and if the plaintiff be nonſuited, or diſcontinue his action, or verdict paſs againſt him, or judgment upon demurrer, the defendant ſhall have treble coſts: provided that the diſcharge of any perſon by virtue of this act ſhall not acquit any other perſon from ſuch debt, ſum or ſums of money, or any part thereof, but that all others ſhall be anſwerable for the ſame in ſuch manner, as they were before the paſſing of this act.

XVIII. Provided always, and be it enacted by the authority aforeſaid, That notwithſtanding the diſcharge of the perſon of ſuch priſoner or priſoners as aforeſaid, all and every debt or debts due or owing from the ſaid priſoner or priſoners, and all and every judgment or judgments had and taken, and decree obtained againſt him or her, ſhall ſtand and be good and effectual in the law to all intents and purpoſes againſt the lands, tenements, hereditaments, goods and chattels of the ſaid priſoners ſo diſcharged as aforeſaid, which he, ſhe, or they, or any other perſon or perſons in truſt for him, her, or them at the time of ſuch diſcharge, hath or have, or at any time hereafter ſhall or may be any ways ſeized or poſſeſſed of, or intereſted in, or intitled to either in law or equity, except his, her, or their wearing-apparel, bedding for his, her, or their families, and working-tools and implements neceſſary for his, her, or their occupations not exceeding the value of

ten

ten pounds in the whole; and it ſhall and may be lawful to and for ſuch creditor or creditors of ſuch priſoner or priſoners ſo diſcharged as aforeſaid, his, her, or their executors or adminiſtrators, to take out a new execution againſt the lands, tenements, hereditaments, goods, and chattels of ſuch priſoner or priſoners (except as before excepted) for the ſatisfaction of his, her, or their debts in ſuch ſort, manner, and form, as he, ſhe, or they might have done, if the perſon or perſons of ſuch priſoner or priſoners had never been taken in execution; any act, ſtatute, law, or cuſtom, to the contrary in any wiſe notwithſtanding.

XIX. Provided alſo, That it ſhall and may be lawful for any perſon diſcharged by this act, in caſe any ſcire facias or action of debt ſhall be brought againſt him or her upon any judgment obtained againſt him or her, or ſtatute, or recognizance acknowledged by him or her, before the ſaid thirtieth day of October in the year one thouſand ſeven hundred and twenty nine, with reſpect to priſoners in actual cuſtody upon the ſaid thirtieth day of October in the ſaid year one thouſand ſeven hundred and twenty nine, or before the ſaid twenty fifth day of December one thouſand ſeven hundred and twenty nine, with reſpect to debtors beyond the ſeas as aforeſaid, upon the ſaid twenty fifth day of December one thouſand ſeven hundred and twenty nine, to plead generally in diſcharge of his or her perſon or perſons upon execution, that he or ſhe was actually a priſoner in ſuch a priſon at ſuch a perſons ſuit, on the ſaid thirtieth day of October one thouſand ſeven hundred and twenty nine, or was or were beyond the ſeas in foreign parts on the ſaid twenty fifth day of December in the ſaid year one thouſand ſeven hundred and twenty nine, and was a perſon enabled and qualified in manner herein before mentioned to return and ſurrender himſelf, herſelf, or themſelves, and did accordingly return and ſurrender himſelf, herſelf, or themſelves, to ſuch a priſon on ſuch a day, and was or were duly diſcharged according to this act at the general or quarter-ſeſſions held at ſuch time and place for ſuch county, city, liberty, town, or place, as his, her, or their caſe is, without pleading any matter ſpecially; and in caſe any other action or ſuit ſhall be commenced againſt him, her, or them, for any other debt, ſum or ſums of money due before the ſaid thirtieth day of October in the ſaid year one thouſand ſeven hundred and twenty nine, or the ſaid twenty fifth day of December one thouſand ſeven hundred and twenty nine, to plead in diſcharge of his or her perſon from execution over and above ſuch matters as aforeſaid, that ſuch debt or ſum of money (as the caſe ſhall happen) was contracted or due before the ſaid thirtieth day of October in the ſaid year one thouſand ſeven hundred and twenty nine, or before the twenty fifth day of December in the ſaid year one thouſand ſeven hundred and twenty nine, without pleading any other matter ſpecially; whereto the plaintiff ſhall or may reply generally, and deny the matters pleaded as aforeſaid, or reply any other matter or thing, which may ſhew the ſaid defendant not to be intitled to the benefit of this act, or not duly diſcharged according to it, in the ſame manner as the plaintiff might have replied in caſe the defendant had pleaded this act, and his diſcharge by virtue of this act ſpecially; and if the plaintiff be nonſuited, or diſcontinue his action, or verdict paſs againſt him, or judgment on demurrer, the defendant to have treble coſts.

XX. And be it further enacted by the authority aforeſaid, That every ſheriff, goaler, or keeper of any priſon, ſhall and is hereby required to ſuffer in the day time any perſon or perſons deſiring the ſame to ſee and ſpeak within ſome convenient room of the ſaid priſon with any priſoner or priſoners, whoſe names are inſerted in the aforementioned liſt or liſts or Dublin-Gazette publiſhed by authority, or either of them, or any perſons ſurrendering themſelves purſuant to this act, and alſo to ſee in the true and genuine books of the ſaid priſon the entries made of the name or names of ſuch priſoner or priſoners, together with the name or names of the perſon or perſons at whoſe ſuit or ſuits he, ſhe, or they are detained; and if any ſuch ſheriff, goaler, or keeper, ſhall neglect or refuſe to comply with, what is here above required, ſuch ſheriff, goaler, or keeper, ſhall forfeit and pay to the perſon ſo refuſed and aggrieved the ſum of forty pounds over and above all other penalties

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penalties provided by any other former law now in being; to be recovered with full coſts of ſuit, by action of debt, bill, plaint, or information, in any of the courts at Dublin, wherein no eſſoin, protection, wager of law, or more than one imparlance ſhall be allowed.

XXI. And be it further enacted by the authority aforeſaid, That if any priſoner, being thereunto required by any creditor, ſhall refuſe to diſcover and declare the trade or occupation, and habitation or laſt place of abode, of the perſon or perſons, at whoſe ſuit he or ſhe are detained, or, being called for, ſhall refuſe to come to the lodge of the priſon where he or ſhe is detained, ſhall upon proof thereof before the juſtices at the general or quarter-ſeſſions be incapable of receiving any benefit by this act; any thing herein contained to the contrary thereof in any wiſe notwithſtanding.

XXII. And be it further enacted by the authority aforeſaid, That if any ſheriff, goaler, or keeper of any priſon or priſons, ſhall make or cauſe to be made any falſe entries in any book or books belonging to the ſaid priſon, or ſhall prepare and keep, or cauſe to be prepared and kept, any falſe books in order for ſuch falſe entries, ſuch ſheriff, goaler, or keeper, ſhall over and above the penalties which may be inflicted for ſuch fraud, forgery, or corruption, forfeit and pay the ſum of one thouſand pounds; to be recovered with treble coſts of ſuit by and in the name of any perſon or perſons, who will ſue for the ſame by action of debt, bill, plaint, or information, in any of his Majeſty's courts of record at Dublin, wherein no eſſoin, protection, or wager of law, or more than one imparlance ſhall be allowed.

XXIII. Provided alſo, and be it enacted by the authority aforeſaid, That all and every priſoner and priſoners petitioning to be diſcharged by this act ſhall at the time of ſuch petitioning leave with the juſtice or juſtices petitioned a true copy of the ſchedule containing his intended diſcovery, to be ſworn unto at the general or quarter-ſeſſions aforeſaid; which copy ſhall be tranſmitted to the reſpective clerks of the peace, and there to be ſeen without fee or reward by any creditor deſiring the ſame.

XXIV. And be it further enacted by the authority aforeſaid, That all debtors and others, who were in priſon on or before the thirtieth day of October in the year of our Lord one thouſand ſeven hundred and twenty nine in the ſeveral goals of this kingdom for want of paying their fees, rents, charges, or any other demands due to the keeper or goaler of any priſon reſpectively, or to any other officer, and upon no other account, ſhall be diſcharged, he, ſhe, or they taking the oath required by this act to be taken by priſoners.

XXV. Provided always, and be it enacted by the authority aforeſaid, That all ſuch fees, lodging, chamber-rent, and ſums of money advanced for the neceſſary ſupport of priſoners in the priſon of the Four court-marſhalſea in Dublin, as ſhall be due to Eleazer Pearſon and Samuel Pearſon, the marſhals or keepers of the ſaid marſhalſea, ſhall be paid to the ſaid marſhals by ſuch priſoner diſcharged by this act; and he and they are hereby authorized and impowered to demand, receive, and take the ſame; any thing in this act contained to the contrary in any wiſe notwithſtanding.

XXVI. Provided always, That this act ſhall not extend to diſcharge any perſon out of priſon, who ſhall ſtand charged at the ſuit of the crown, or indebted to any one perſon in the ſum of four hundred pounds beſides intereſt and coſts, if any ſuch creditor, to whom the ſum of four hundred pounds or more ſhall be owing, ſhall oppoſe the diſcharge of ſuch priſoner, and ſhall inſiſt that ſuch priſoner be continued in goal, and that then and in ſuch caſe ſuch creditor or creditors, oppoſing the ſaid priſoner's diſcharge as aforeſaid, ſhall at his, her, and their proper coſts and charges allow and pay ſuch a weekly maintenance to the ſaid priſoner, not exceeding two ſhillings and four pence *per* week, in ſuch manner as the ſaid juſtices in the general quarter-ſeſſions ſhall order and appoint; and upon nonpayment of the ſame for the ſpace of ſix weeks the ſaid priſoner upon application to the

the ſaid juſtices in their general quarter-ſeſſions ſhall be diſcharged purſuant to the intent and meaning of this act.

XXVII. Provided alſo, That every perſon or perſons, intitled or to be intitled to the benefit of this act, ſhall obtain their reſpective diſcharges on or before the twenty fifth day of March in the year of our Lord one thouſand ſeven hundred and thirty two, or be for ever excluded from all benefit thereof.

XXVIII. And whereas ſeveral perſons, who were confined in priſon on the thirtieth day of October one thouſand ſeven hundred and twenty nine, may have been removed to ſome other priſon by proceſs of law: be it enacted by the authority aforeſaid, That if the goaler of the priſon, wherein any ſuch priſoner was confined on the ſaid thirtieth day of October, ſhall make affidavit of ſuch confinement and the continuance of it until the removal to ſuch other priſon as aforeſaid, and ſhall tranſmit ſuch affidavit to be atteſted on oath at the ſeſſions, where ſuch priſoner may claim to be diſcharged, and if the goaler of the priſon, whereto ſuch priſoner may have been or ſhall be removed as aforeſaid, ſhall make oath in open court at ſuch ſeſſions as aforeſaid of the confinement of ſuch priſoner in the ſaid priſon, from the time of his or her being brought thither by proceſs of law as aforeſaid to the time of the ſeſſions when ſuch priſoner may claim to be diſcharged as aforeſaid, it ſhall and may be lawful for the juſtices of the peace at ſuch ſeſſions as aforeſaid upon ſuch oaths as aforeſaid, and upon ſuch priſoners perfotming all other matters required by this act, to diſcharge ſuch priſoner as effectually, as if he or ſhe had been confined in one and the ſame priſon, ſuch priſoner ſwearing to his confinement in two priſons as aforeſaid; any thing in this act to the contrary notwithſtanding.

XXIX. And whereas the priſoners of the Four court-marſhalſea, being the priſon belonging to the ſuperior courts, for the moſt part contain ſuch priſoners, as have brought themſelves thither by *habeas corpus* from other priſons, or have ſurrendred themſelves into cuſtody in diſcharge of their bail, which could not be done without their own conſent and procurement: be it therefore enacted by the authority aforeſaid, That every perſon, ſo coming to the ſaid priſon either by *habeas corpus* or voluntary ſurrender in diſcharge of bail, and being qualified to take the benefit of this act in all reſpects acording to the true intent and meaning thereof, ſhall be diſcharged, or intitled to any other benefits ariſing thereby, on taking the oath that is herein preſcribed for each priſoner to take, omitting only the words without my conſent or procurement, and with reſpect to their being a priſoner or priſoners in either of the priſons above mentioned only; any thing herein contained to the contrary notwithſtanding.

XXX. And whereas it may happen, that ſeveral perſons, who may claim and be intitled to the benefit of this act, are ſeized of an eſtate tail in any freehold or copyhold, lands, tenements, or hereditaments, which intail with the remainders thereupon expectant they have by law power to defeat and barr either by levying a fine or fines, ſuffering a common recovery of common recoveries, or by ſurrender or ſurrenders thereof, and thereby ſuch perſon or perſons ſaid freehold or copyhold, lands, tenements, and hereditaments, ſhould be liable to the payment of their debts, and be delivered up according to the terms of this act for the benefit of their creditors: be it therefore enacted by the authority aforeſaid, That in every ſuch caſe ſuch perſon or perſons ſo ſeized as aforeſaid, and who ſhall be intitled unto, and claim the benefit of, this act, ſhall to all intents and purpoſes whatſoever in the law be deemed and taken, and is and are hereby declared, to be ſeized of ſuch lands, tenements, and hereditaments, in fee ſimple, and the ſame ſhall be delivered up to the creditor or creditors in the ſame manner, as if ſuch perſon or perſons had actually levied a fine or fines, ſuffered a common recovery or recoveries, or made a ſurrender or ſurrenders thereof, and thereby had become ſeized in fee ſimple; any law, or conſtruction of law, to the contrary thereof in any wiſe notwithſtanding.

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XXXI. And whereas many priſoners, who may be intitled to and may claim the benefit of this act, have been great dealers, or other ways engaged in large tranſactions, whereby they may be intitled to ſundry and great debts and demands of various and intricate natures, or they may be intitled to equities of redemption of eſtates ſubject and lyable to mortgages, judgments, or other incumbrances, or to reverſions, remainders, or other contingent eſtates in lands, tenements, or hereditaments, or to other truſts or intereſts in eſtates both real and perſonal, which may not be ſufficiently deſcribed or diſcovered in the ſchedule or inventory before directed to be delivered in upon oath by the priſoner to be diſcharged as aforeſaid, or which may want his aid or aſſiſtance to adjuſt, make out, recover, or manage for the benefit of the creditors: be it therefore provided and enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the reſpective aſſignees of the eſtate and effects of ſuch priſoner or priſoners, who ſhall obtain his, her, or their diſcharge in purſuance of this act, or any other perſon or perſons duly authorized by them for that purpoſe, from time to time to apply to any two or more of the juſtices of the peace for the county, city, town, or liberty, where ſuch priſoner or priſoners ſhall be then reſiding, thereby deſiring that ſuch priſoner or priſoners may be further examined as to any matters or things relating to his, her, or their eſtate or effects: whereupon ſuch juſtices ſhall ſend for or call before them ſuch priſoner or priſoners by ſuch warrant, ſummons, ways, or means, as they ſhall think fit, and upon ſuch priſoners appearing ſhall examine him, her, or them, as well upon oath as otherwiſe as to ſuch matters and things as ſuch aſſignees ſhall deſire, relating to the eſtate or effects of ſuch priſoner or priſoners; and if any ſuch priſoner or priſoners on payment or tender of payment of ſuch reaſonable charges, as ſuch juſtices ſhall judge ſufficient, ſhall neglect or refuſe to come and appear, not having a lawful excuſe, to be made known to ſuch juſtices, and by them allowed, or, being come before them, ſhall refuſe to be ſworn, or to anſwer to all ſuch queſtions as by ſuch juſtices ſhall be put to him or them relating to the diſcovery of his, her, or their eſtate or effects, ſo veſted or intended to be veſted in ſuch clerk of the peace, or in ſuch aſſignees as aforeſaid, that then it ſhall and may be lawful to and for ſuch juſtices by warrant under their hands and ſeals to apprehend ſuch priſoner or priſoners ſo offending as aforeſaid, and him or them to commit to the county goal, there to remain without bail or mainprize until ſuch time as he or they ſhall ſubmit him, her, or themſelves to ſuch juſtices, and anſwer upon oath to all ſuch queſtions, as ſhall by ſuch juſtices be put to him, her, or them, for the purpoſes aforeſaid.

XXXII. And be it further enacted by the authority aforeſaid, That all and every perſon or perſons, who ſhall within twelve months after the diſcharge of any ſuch priſoner or priſoners voluntarily come in and make a diſcovery of any part of ſuch debtor or debtors real or perſonal eſtate, as ſhall be comprized in ſuch ſchedule as aforeſaid, before any ſuch juſtice or juſtices as aforeſaid, ſhall be allowed after the rate of twenty *per cent.* out of the neat produce of ſuch debtor or debtors eſtate, which ſhall be recovered on ſuch diſcovery, and which ſhall be paid ſuch perſon or perſons ſo diſcovering the ſame by the creditor and creditors, who ſhall receive and be intitled to any benefit and advantage by ſuch diſcovery.

XXXIII. And whereas great numbers of ſeamen, ſailors, mariners, and other poor people, have been committed for ſmall debts to the city marſhalſea-priſon and other priſons in the city of Dublin ſince the ſaid thirtieth day of October one thouſand ſeven hundred and twenty nine, and if they are detained there, their families will become chargeable to the pariſhes, to which they belong, and, in caſe they are not relieved by this act, muſt periſh, no allowance being made by the ſaid priſons to ſupport them therein: be it therefore enacted by the authority aforeſaid, That all and every priſoner and priſoners, who hath or have been committed to the marſhalſea and priſons of the ſaid city of Dublin or liberties thereto adjoining ſince the thirtieth day of October one thouſand ſeven hundred and twenty nine, and on or before the twenty fifth day of December in this preſent year of our Lord one thouſand ſeven hundred and twenty nine, for any ſum not exceeding twenty five pounds

pounds beſides coſts of ſuit, ſhall be intitled to have the benefit of this act, and be diſcharged thereby, provided he, ſhe, or they, conform to the directions therein preſcribed, except as to that part of the oath which relates to the time of impriſonment; any thing herein contained to the contrary notwithſtanding.

XXXIV. Provided always, and be it further enacted by the authority aforeſaid, That notwithſtanding the diſcharge of any priſoner or priſoners by virtue of this act, if it ſhall hereafter appear the ſame was obtained fraudulently, the ſame ſhall be void and of none effect.

XXXV. And be it enacted by the authority aforeſaid, That cornet Maurice Wemys, now a priſoner in the ſaid Four-court marſhalſea in the city of Dublin, ſhall be intitled to have the benefit of this act, and be diſcharged thereby, provided he conforms to the directions therein preſcribed, except as to that part of the oath which relates to the time of impriſonment; any thing herein contained to the contrary notwithſtanding.

XXXVI. And to the intent and purpoſe that the eſtate and effects of ſuch priſoner or priſoners, as ſhall be diſcharged by virtue of this act may be truly and faithfully applied for the benefit of his, her, or their real creditors: be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the reſpective courts at Dublin, from whence any proceſs iſſued, upon which ſuch priſoner or priſoners was or were committed, whoſe effects are ſo aſſigned, or, where the proceſs iſſued out of any other court, to and for the judges of the courts of King's-bench, Common-pleas, and Exchequer, or any two of them, from time to time upon the petition of any creditor or creditors of ſuch priſoner or priſoners complaining of any inſufficiency, fraud, miſmanagement, or other misbehaviour, of all or any of the aſſignees, to whom the eſtates or effects of ſuch priſoner or priſoners ſhall be aſſigned by ſuch clerk of the peace as aforeſaid, upon hearing the parties concerned therein to make and give ſuch orders and directions therein, either for the removal or diſplacing of ſuch aſſignee or aſſignees, and the appointing any new aſſignee or aſſignees in the place or ſtead of the aſſignee or aſſignees ſo to be removed or diſplaced, or for the prudent, juſt, and equitable management or diſtribution of the ſaid eſtates and effects for the benefit of the reſpective creditors, as the ſaid court or judges reſpectively ſhall think fit; and in caſe of the removal or diſplacing of any aſſignee or aſſignees, and the appointing of any ſuch new aſſignee or aſſignees, the eſtate and effects of ſuch priſoner or priſoners ſhall from thenceforth be diveſted out of the ſaid aſſignee or aſſignees ſo removed or diſplaced, and be veſted in and delivered over to ſuch new aſſignee or aſſignees in the ſame manner, and for the ſame ends, intents, and purpoſes, as the ſame were before veſted in the aſſignee or aſſignees as aforeſaid; any thing in this act contained to the contrary notwithſtanding.

XXXVII. Provided always, and be it enacted by the authority aforeſaid, That in all and every caſe or caſes, where mutual credit hath been given between any priſoner or priſoners to be diſcharged in purſuance of this act and any other perſon or perſons, or body politick, or corporate, before the delivery of ſuch ſchedule or inventory of the eſtate and effects of ſuch priſoner or priſoners upon oath as aforeſaid, then and in every ſuch caſe the reſpective aſſignees of ſuch priſoner or priſoners ſhall and have hereby power on their part to ſtate and allow an account between them, and nothing more ſhall be deemed to be veſted in ſuch clerk of the peace or ſuch aſſignees as the eſtate or effects of ſuch priſoner or priſoners, than what ſhall appear to be due to him, her, or them reſpectively for the ballance of ſuch account, when truly ſtated.

XXXVIII. Provided alſo, and be it further enacted by the authority aforeſaid, That this act, or any thing therein contained, ſhall not extend unto the releaſe or diſcharge of Thomas Grace, now in cuſtody of the marſhal of the Four-courts Dublin at the ſuit of the executors of Henry Lutterell eſquire, deceaſed; but that he the ſaid Thomas Grace ſhall be and continue in goal or ſafe cuſtody, as if this act had never been made.

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XXXIX. And whereas Henry Burrows of the city of Dublin, merchant, now a prisoner for debt in the Four-court marshalsea, is indebted to no one person in above the sum of four hundred pounds, save only to James Mead, the surviving partner of George Curtis late of the said city, banker, who does not oppose the said Henry Burrows being included in this act, within the intention of which the said Henry in all other respects appears to be: be it therefore enacted by the authority aforesaid, That the said Henry Burrows, notwithstanding he does or may owe above the sum of four hundred pounds to the said James Mead, shall to all intents, constructions, and purposes, be deemed and taken to be within the intention and meaning of this act, and be intitled to have the benefit thereof, and to be discharged thereby, provided he conforms to the directions herein prescribed, and shall have and enjoy all such privileges, benefits, and advantages, and be subject to such conditions, forfeitures, and penalties, as other debtors, who owe not above the sum of four hundred pounds to any one person, are or ought to have and enjoy, or be subject or lyable unto by virtue of this act; any thing herein contained to the contrary thereof in any wise notwithstanding.

CHAP. XXI.

An act for cleansing the ports, harbours, and rivers of the city of Cork, and of the towns of Gallway, Sligoe, Drogheda, and Belfast; and for erecting a ballast-office in the said city, and each of the said towns.

6 *Anne* 20. 6 *G.* 1. 15. 10 *G.* 1. 3.

WHEREAS the preservation of the trade of the city of Cork, and of the towns of Gallway, Sligoe, Drogheda, and Belfast, is of great importance as well to his Majesty's revenue as the good of the whole kingdom: and whereas the navigation of the ports belonging to the said city and towns hath been of late much more than heretofore obstructed, and the several harbours and channels belonging to the said city and towns are become extreamly shallow, by which means voyages have been prolonged, to the very great prejudice of trade, and his Majesty put to extraordinary expence and charges in keeping officers longer on board the vessels trading to and from the said city and towns, than would have been needful, had the said several harbours and channels been preserved in the same condition, they formerly were; which mischiefs have been principally occasioned by the licentious and irregular taking up and throwing out of ballast, and breaking the banks of the channels, for want of proper laws for regulating how and in what manner the shipping resorting to the said ports should demean themselves in relation to their throwing out and taking in of their ballast: to the end therefore that the navigation of the ports belonging to the said city and towns by clearing and deepning the said harbours and channels for the future may be preserved and secured; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and

Mischiefs by irregular taking up and throwing out ballast,

to preserve navigation of said ports,

and by the authority of the ſame, That it ſhall and may be lawful to and for the mayor, ſheriffs, and commonality of the city of Cork, the mayor, ſheriffs, free burgeſſes, and commonality of the town and county of the town of Gallway, the provoſt, burgeſſes, and freemen of the town of Sligoe, the mayor, ſheriffs, burgeſſes, and commons of the town and county of the town of Drogheda, and the ſovereign and free burgeſſes of the town of Belfaſt, ſeverally and reſpectively at any time after the twenty fifth day of April, which ſhall be in the year of our Lord one thouſand ſeven hundred and thirty, to erect in the ſaid city o Cork, and in each of the ſaid towns of Gallway, Sligoe, Drogheda, and Belfaſt, one office; which ſaid offices from thenceforth ſhall be ſeverally and reſpectively called and known by the names of the ballaſt-offices of the ſaid city and towns: (that is to ſay) that erected in the ſaid city of Cork by the name of the ballaſt-office of the port of Cork, and ſo of the ſaid towns reſpectively; to the end that all ſhips, which ſhall thenceforth reſort to the ports or harbours of the ſaid city and towns, may be furniſhed with ballaſt by the ſaid offices reſpectively, and not otherwiſe; and which ſaid offices, from the time they ſhall be ſo erected as aforeſaid, ſhall always be under the government, inſpection, and direction of the mayor, ſheriffs, and commonality of the ſaid city of Cork, the mayor, ſheriffs, free burgeſſes, and commonality of the ſaid town and county of the town of Gallway, the provoſt, burgeſſes, and freemen of the ſaid town of Sligoe, the mayor, ſheriffs, burgeſſes, and commons of the ſaid town and county of the town of Drogheda, and the ſovereign and free burgeſſes of the town of Belfaſt, ſeverally and reſpectively; who are hereby ſeverally and reſpectively conſtituted and ordained keepers and conſervators of the ſaid ſeveral rivers and ports of Cork, Gallway, Sligoe, Drogheda, and Belfaſt, by the names of their ſeveral incorporations, and ſeverally and reſpectively impowered to make ſuch orders, rules, and by-laws, for the well government of the ſaid ſeveral offices, and for the cleanſing of the ſaid harbours and channels, and for ſecuring all ſhips that ſhall come into the ſaid ports, as ſhall from time to time be approved, ratifyed, and confirmed by the lord lieutenant, or other chief governors of this kingdom for the time being, and ſix or more of the privy-council of the ſame.

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Ballaſt-offices ſhall be erected in ſaid places, by and under government of the reſpective corporations.

Conſervators of the rivers and ports, who may make by-laws, confirmed by chief governors, &c.

II. And be it further enacted by the authority aforeſaid, That the mayor, ſheriffs, and commonality of the ſaid city of Cork, the mayor, ſheriffs, free burgeſſes, and commonality of the ſaid town and county of the town of Gallway, the provoſt, burgeſſes, and freemen of the ſaid town of Sligoe, the mayor, ſheriffs, burgeſſes, and commons of the ſaid town and county of the town of Drogheda, and the ſovereign and free burgeſſes of the town of Belfaſt, ſhall

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shall severally and respectively within their several ports provide a sufficient number of lighters, boats, or gabbarts, together with workmen, tools, and engines, for the raising the ballast in any parts of the channels or rivers of the said harbours or ports, that shall be by them respectively judged expedient, within the verge or verges of the counties of the said city and towns respectively, or the extent of their respective authorities; and shall furnish all ships within the said ports with ballast at the rates herein after mentioned within twenty four hours after notice given by the commanders or masters of the said ships to the proper officers at the said several ballast offices, for that purpose to be appointed to receive such notifications, so as wind and weather will within that time permit them; and in case wind and weather will not then permit them so to furnish ballast, then within twelve hours after wind and weather will permit: provided always that the Lord's-day, commonly called Sunday, shall not be accounted any part of the twenty four hours or twelve hours aforesaid: the said ballast to be brought to the sides of the ships that shall have occasion for the same, and thence immediately thrown into such ship or ships by the crews of the said ships respectively.

and provide boats, workmen, and tools to raise ballast in any parts of the channels within verge of their authority, and furnish ships in 24 hours after notice, or 12 hours after wind and weather permit.

Sunday not accounted: brought to ships sides, and immediately thrown in by the crews.

III. And to the end that the said lighters, boats, or gabbarts, be no longer detained, than shall be necessary; be it enacted by the authority aforesaid, That in case the crew of the said respective ships shall neglect or refuse to cast in or cast out their ballast, so as to occasion any unreasonable or unnecessary delays therein, that then and in such case the commander or master of each ship respectively so delaying shall pay or cause to be paid to the master of the ballast-office for the time being for the damage, which the said ballast-office shall thereby sustain, such sum or sums of money as the chief magistrate of such of the said city or towns, where such delay shall happen to be given, shall in a summary way finally judge and determine; so as that the said sum do in no case exceed one shilling for each hour, each lighter shall be unnecessarily detained by the neglect or default of such commander or master, or by the neglect or default of the crew of such ship or ships as aforesaid.

If lighters unnecessarily detained, master of the ship shall pay to the office, as determined summarily by chief magistrate, not above 1 s. *per* hour each lighter.

IV. And be it enacted by the authority aforesaid, That every ship belonging to Great Britain or Ireland, that shall take in any ballast in any of the ports aforesaid, shall pay or cause to be paid to the officer appointed to keep the ballast-office in such port as aforesaid, or his or their deputy or deputies, the several sums following: (that is to say) in the said port of Cork, the sum of six pence *per* tun for every tun of ballast so delivered at or above the castle of Black-Rock; and for each tun delivered below the Black-Rock, nine pence *per* tun; and for every tun of ballast so delivered

British or Irish ships shall pay ballast officer 6 d. *per* tun, but if delivered below Black-Rock in port of Cork, 9 d.

vered in any part of any of the ſaid other ports, the ſum of ſix pence, and no more; and all and every ſhip or ſhips belonging to foreigners ſhall pay for ballaſt in every of the ſaid ports one third part more *per* tun, than what is aforeſaid charged on Britiſh or Iriſh ſhips.

Foreigners a third more.

V. And in regard the mending or cleanſing of the ſaid ſeveral harbours and channels will be of great uſe to all ſhips, which ſhall come into the ſaid ports, and to all lighters, boats, gabbarts, and wherries within the ſaid ports, and that a great and conſtant expence will be requiſite to carry on the ſaid ſeveral works in the ſaid ſeveral ports; be it enacted by the authority aforeſaid, That from and after the ſaid ſeveral ballaſt-offices ſhall be erected as aforeſaid in the ſaid ſeveral ports, or in any of them, all Britiſh and Iriſh ſhips, which ſhall come into any of the ſaid ports, where ſuch ballaſt-office is or ſhall be erected and kept up (ſhips in his Majeſty's, his heirs and ſucceſſors, pay, and ſhips, that neither load or unload in any of the ſaid ports, only excepted) ſhall pay unto the ſaid office one penny *per* tun for every tun of the burthen of ſuch ſhip or ſhips over and above the money payable for ballaſt as aforeſaid, in caſe that they make uſe thereof; and every foreign ſhip coming within any of the ſaid ports ſhall pay one penny halfpenny *per* tun over and above the ballaſt money, if they have any ballaſt delivered them in ſuch port; which tunnage, as well in Britiſh and Iriſh ſhips as in foreign ſhips, ſhall be computed by outward gauging of the ſaid ſhips reſpectively, and not otherwiſe; and the maſter of ſuch ballaſt-office for the time being, and all and every other officer and officers for that purpoſe as aforeſaid appointed or to be appointed, is and are hereby impowered to make ſuch outward gauge of all and every ſuch ſhip and ſhips, as ſhall come into or go out of any of the ſaid ports from time to time, as they ſhall ſee occaſion for the doing thereof; provided always that no ſuch Britiſh or Iriſh ſhip or veſſel of what burthen ſoever ſhall at any one time pay more in the whole for ſuch tunnage than twenty ſhillings, nor any foreign ſhip of any burthen more than one pound ten ſhillings.

Britiſh and Iriſh ſhips (except in the King's pay, or that neither load or unload there) ſhall pay tunnage beſides 1d. *per* tun; but not more in the whole at one time than 20s.

Foreigners one penny halfpenny,

but not more than 1 l. 10 s.

computed by outward gauging.

VI. And be it enacted by the authority aforeſaid, That from and after the erection of ſuch ballaſt-offices all lighters, boats, gabbarts, hookers, and wherries, which ſhall be uſually employed in any of the ſaid ports, where ſuch ballaſt-offices ſhall be erected as aforeſaid, ſhall pay, and their reſpective proprietors and owners ſhall be charged with the payment of, the reſpective ſums of money herein after mentioned to ſuch ballaſt-office; (that is to ſay) for every wherry, boat, and hooker, two ſhillings and ſix pence fine, and two ſhillings and ſix pence *per annum* during the time ſuch wherry, boat, or hooker, ſhall be kept on any of the ſaid

Wherries, boats, and hookers ſhall pay 2s. and 6d. fine, and 2s. and 6d. *per ann.*

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ſaid rivers, ports, or harbours; and every gabbart and lighter, other than the gabbarts, lighters, and boats belonging to ſuch ballaſt-office, five ſhillings fine, and five ſhillings *per annum* for and during the time that ſuch gabbart, lighter, or boat ſhall be kept on any of the ſaid rivers, ports, or harbours; and, in caſe of non-payment of the ſaid reſpective ſums hereby charged, it ſhall and may be lawful to and for the maſter of the ballaſt-office, or his deputy or deputies, in any of the ſaid ports where ſuch default or payment ſhall be, to enter into any wherry, hooker, gabbart, lighter, or boat charged with the payment of the ſaid ſums, or any of them, and to diſtrain the ſails, oars, tackles, apparel, and furniture of every ſuch wherry, boat, hooker, gabbart, and lighter, or any part thereof, and the ſame to detain and keep until he or they be ſatisfied and paid ſuch ſum and ſums of money charged on ſuch wherry, hooker, gabbart, boat, or lighter as aforeſaid, and every of them; and in caſe of neglect or delay of or in payment of the ſaid ſum or ſums of money, or any part thereof, by the ſpace of ten days after any diſtreſs or diſtreſſes ſo taken as aforeſaid, that then it ſhall be lawful to and for ſuch maſter of ſuch ballaſt-office, his deputy or deputies, and every or any of them, to ſell the ſaid diſtreſs or diſtreſſes ſo taken, and therewith to ſatisfy him and themſelves as well for and concerning the duty ſo neglected or delayed to be paid, and for which a diſtreſs ſhall be ſo taken as aforeſaid, as alſo for his and their reaſonable charge in the taking or keeping of ſuch diſtreſs or diſtreſſes, rendring the overplus (if any ariſing by ſuch ſale) to the perſon or perſons who ſhall work, ſail, or ply in ſuch wherry, hooker, boat, gabbart, or lighter, for the uſe of the ſeveral and reſpective proprietors.

Gabbarts and lighters (except thoſe of ballaſt-office) 5s. fine, and 5s. *per ann.*

Ballaſt maſter may enter for non-payment, and diſtrain ſails, oars, &c. and ſell in 10 days.

VII. And to the end that the ſaid reſpective duties hereby made due and payable for ſhips as aforeſaid may be more effectually levyed and paid; be it further enacted by the authority aforeſaid, That it ſhall not be lawful to or for the officers of his Majeſty's revenue, or any of them, in the ſaid ports, or any of them, to clear or diſcharge any ſhip or ſhips outward bound, or to permit any ſhip or ſhips outward bound to ſail, or to permit any ſhip or ſhips above the burthen of thirty tuns, to be meaſured as aforeſaid, to ſail coaſt-ways, until the commander or maſter of ſuch ſhip or ſhips ſhall have brought a diſcharge from the maſter of the ballaſt-office or his deputy, teſtifying ſuch ſhip or ſhips to have paid and cleared their ballaſt money in caſe they took in ballaſt, and likewiſe all and ſingular the duties hereby as aforeſaid impoſed; which diſcharge ſhall be immediately granted without fee or reward, fraud or delay; and in caſe of refuſal or delay then the maſter of the ballaſt-office or his deputy ſo refuſing or delaying ſhall forfeit forty ſhillings for every ſuch refuſal or delay to the

Revenue officers ſhall not clear outwards, without diſcharge from ballaſt-maſter of all ſaid duties:

Ballaſt-maſter delaying diſcharge, Penalty 40 s. before chief magiſtrate.

the maſter of ſuch ſhip, to be recovered in a ſummary way before the chief magiſtrate of ſuch of the ſaid city or towns, where the ſame ſhall happen, to be levyed by diſtreſs by warrant under the hand and ſeal of ſuch chief magiſtrate, and by ſale of the goods and chattels of the maſter of the ſaid office. A. D. 1729. Chap. 21.

VIII. And be it further enacted by the authority aforeſaid, That all and every ſum and ſums of money ariſing, growing due, or levyed from time to time by force and virtue of this act, incident charges, ſalaries, and neceſſary expences of the ſaid ſeveral and reſpective ballaſt-offices being firſt paid and deducted, ſhall from time to time be imployed in amending and cleanſing the ſaid ſeveral harbours, rivers, and ports reſpectively; and in caſe there ſhall be any overplus remaining, the ſame ſhall be applied to the erecting and ſupporting a work-houſe or work-houſes to promote the linnen manufactory in ſuch of the ſaid ports, as ſhall have any ſuch remaining overplus.

All money levied, deducting charges, employed in amending the ſaid harbours:

Overplus for a work-houſe there.

IX. And to the end that the ſame may be effectually done; be it enacted by the authority aforeſaid, That the mayor, ſheriffs, and commonality of the ſaid city of Cork, the mayor, ſheriffs, and free burgeſſes and commonality of the town and county of the town of Galway, the provoſt, burgeſſes, and freemen of the town of Sligo, the mayor, ſheriffs, burgeſſes, and commons of the town and county of the town of Drogheda, and the ſovereign and free burgeſſes of the town of Belfaſt, ſhall once in every three years reſpectively lay before the lord lieutenant, or other chief governor or governors, and the privy council of this kingdom, a true and perfect account of the annual produce of the ſaid reſpective ſums of money as aforeſaid charged, and alſo how the ſame have been applied; which account ſhall be upon oath of the officer or officers concerned in the receiving or paying thereof (if ſo be, that they ſhall be thereunto required) and the ſaid officer and officers ſo employed in receiving or paying the ſame ſhall likewiſe every Lent aſſizes return his and their accounts upon oath before the going judge or judges of aſſizes of the ſeveral counties, wherein the ſaid ports reſpectively lye; and in caſe any of the perſons aforeſaid ſhall neglect or refuſe to account according to the meaning of this act, he or they for every ſuch neglect or refuſal ſhall forfeit the ſum of one hundred pounds *ſterling*, to be recovered by any perſon who ſhall ſue for the ſame in the courts of King's bench, Common-pleas, or court of Exchequer, by bill, plaint, or information, in which no eſſoign, nor any more than one imparlance ſhall be allowed; and the ſame ſhall be tryed by a jury of the county of Dublin; one half thereof to be given to the informer, and the other half to be applyed to the erecting or ſupport of ſuch work-houſe or work-houſes for the linnen manufactory,

Said corporations ſhall once in 3 years lay before chief governors and council account of produce, and how applied;

on oath of the officer, if required,

Account alſo on oath every Lent aſſizes.

Penalty for not accounting 100 l.

by a jury of county of Dublin,

to informer, and the work-houſe in ſuch port.

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factory in ſuch of the ſaid ports, as the ſaid forfeitures ſhall be incurred in as aforeſaid.

Said corporations may appoint officers and ſalaries,

X. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the mayor, ſheriffs, and commonality of the city of Cork, the mayor, ſheriffs, free burgeſſes, and commonality of the town and county of the town of Galway, the provoſt, burgeſſes, and freemen of the town of Sligo, the mayor, ſheriffs, burgeſſes, and commons of the town and county of the town of Drogheda, and the ſovereign and free burgeſſes of the town of Belfaſt reſpectively from time to time for ever hereafter to nominate, conſtitute, and appoint ſuch officers, as they ſhall think fit and proper, for the execution of the ſeveral branches of the ſaid ballaſt-offices, and to eſtabliſh ſuch ſalaries and allowances to them, and every of them, as they ſhall reſpectively judge meet and reaſonable, out of the produce of the duties herein before veſted in the ſaid officers, and the ſame to increaſe or diminiſh as they ſhall reſpectively ſee cauſe, ſo as the ſame from time to time ſhall be ratified, confirmed, and approved of by the chief governor or governors, and ſix or more of the privy council of this kingdom for the time being.

and increaſe or diminiſh,

ſo as confirmed by chief governors, &c.

Throwing dirt, &c. into ſaid rivers, or any ſewer or ſtream,

XI. And to the intent that no aſhes, dirt, or filth, may for the future be caſt into any of the rivers of the ſaid ports, or into any of the common-ſewers of the ſaid cities or towns; be it enacted by the authority aforeſaid, That every perſon, who ſhall caſt, or help or aſſiſt to caſt, any aſhes, dirt, filth, or rubbiſh, into any of the ſaid rivers, or into any ſewer or ſtream, that empties itſelf into any of the ſaid rivers, being in a ſummary manner thereof convicted upon oath before the chief magiſtrate of ſuch of the ſaid city or towns, where ſuch offence ſhall be committed, or before any one or more of the juſtices of the peace of any of the counties of the ſaid city or towns, or counties at large, for any of the crimes aforeſaid committed within their reſpective authorities, ſhall forfeit for every ſuch offence the ſum of five ſhillings for the benefit and advantage of every ſuch perſon or perſons as ſhall and will diſcover and proſecute the ſame; which ſaid ſum of five ſhillings ſhall and may be levyed by diſtreſs and ſale of the goods and chattels of the offender by warrant of ſuch chief magiſtrate or juſtice of the peace, before whom the party was convicted, returning the ſaid party the overplus; and in caſe the ſaid offender ſhall not have wherewithal to ſatisfy and pay the ſaid ſum of five ſhillings, that then and in ſuch caſe it ſhall and may be lawful to and for ſuch chief magiſtrate or juſtice of the peace reſpectively to ſend the ſaid offender to the houſe of correction, to be once whipped or kept to hard labour at his diſcretion, ſo as the confine-

Penalty 5 s. to proſecutor,

or, on default, to houſe of correction 4 days.

confinement of the offender to the ſaid houſe of correction may not for any one fault exceed four days. A. D. 1729.

XII. And for the more effectual cleanſing the ſaid ſeveral harbours and rivers; be it enacted by the authority aforeſaid, That all ballaſt, that ſhall be taken in any of the ſaid ports from and after the ſaid twenty fifth day of April one thouſand ſeven hundred and thirty, ſhall be taken out of the reſpective channels of the ſaid rivers, and not from any part of the ſtrands or banks, nor carried from one ſhip to ſupply another; and that no ballaſt ſhall be thrown out of any ſhip or boat into any part of any of the ſaid harbours or rivers, upon pain of the maſter or commander's forfeiting for every ſuch offence the ſum of twenty pounds *ſterling* to the corporation, where the offence ſhall be committed, and for the benefit of the ballaſt-office of ſuch corporation; to be recovered by action of debt, bill, plaint, or information, in any of his Majeſty's courts of record, wherein there ſhall be no eſſoign, protection, or wager of law, or more than one imparlance granted. Chap. 21.

All ballaſt ſhall be taken out of the channels.

None ſhall be thrown into the rivers or harbours, Penalty 20 l. for the ballaſt-office.

XIII. And to the end that all and every of the ſhips reſorting to the ſaid ſeveral ports may be eaſed of their ballaſt without delay; be it enacted by the authority aforeſaid, That from and after the ſaid twenty fifth day of April one thouſand ſeven hundred and thirty the ſeveral lighters or boats, to be imployed in the ſaid ſervice, ſhall from time to time within twenty four hours after notice as aforeſaid repair to ſuch ſhip or ſhips, as ſhall come into any of the ſaid ports, and thence take and receive into ſuch lighter or lighters all ſuch ballaſt, as ſhall be on board ſuch ſhip or ſhips; for recompence whereof the commander or maſter thereof, in caſe the ſame be Britiſh or Iriſh ſhips, ſhall pay ſix pence *per* tun for every tun of ſuch ballaſt; and in caſe the ſaid ſhip or ſhips be foreign, then and in that caſe the commander or maſter ſhall pay eight pence *per* tun, and no more.

Lighters ſhall in 24 hours after notice repair to ſhips on arrival, and take the ballaſt;

Britiſh or Iriſh 6d. *per* tun,

Foreigners 8 d.

XIV. And be it further enacted by the authority aforeſaid, That no perſon or perſons from and after the ſaid twenty fifth day of April one thouſand ſeven hundred and thirty ſhall in any of the ſaid ports preſume to take up any ballaſt into his or their ſhips or veſſels but from ſuch perſons only, as ſhall be thereunto appointed by virtue of this act as aforeſaid, on pain of forfeiting for every ſuch offence the ſum of five pounds *ſterling*; to be recovered in a ſummary way before the chief magiſtrate aforeſaid for the uſe of the ſaid offices as aforeſaid.

No ballaſt taken but from the perſons appointed,

Penalty 5 l. to ſaid office.

XV. And to the end that no commander or maſter of any ſhip or ſhips reſorting to the ſaid ports, or any of them, may have juſt cauſe of complaint that his voyage is retarded by neglect of the ſaid officers of the ſaid ballaſt-office, or that he ſuffers for want of removing his ballaſt; be it enacted by the authority aforeſaid,

On neglect of ballaſt officers, maſter of the ſhip on notice thereof to chief magiſtrate may

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said, That in case the governors or officers of any of the said ballast-offices or their servants shall neglect or refuse to take off or bring in ballast to any ship or ships within any of the said ports at the respective times appointed for doing thereof as aforesaid, that then it shall and may be lawful to and for the commander or master of such ship or ships, at any time after notice given of such neglect to the chief magistrate of the city or town for the time being, to employ any other lighter or lighters, boat or boats, gabbart or gabbarts, for the doing thereof; which said lighter or lighters, boat or boats, gabbart or gabbarts, so by them as aforesaid imployed, are hereby authorized and qualified to take up so much ballast in the channel or channels of the said ports or rivers only, as shall be requisite for ballasting of such ship or ships so as aforesaid neglected, or to carry off such ballast as shall be in such ships arriving in any of the said ports, in case the master, officers, or servants of such ballast-office, shall refuse or neglect the same within the prescribed times aforesaid; and in every such case, upon oath thereof made before the collector or chief residing officer of the customs of the port (which oath such collector or officer is hereby impowered to administer) every such master of any ship or vessel shall have his discharge and clearings out of the said port, as if he had produced such certificate from the master of the ballast-office as aforesaid; and every lighter, boat, or gabbart, which shall be so employed either in the loading or unloading of the ballast as aforesaid on occasion of such neglect by the said ballast-office, shall be exempted from the payment of any duty or mulct to the said ballast-office for one year.

employ lighters, to load or unload ballast,

and on oath before collector, &c. have his discharge,

such lighter exempt from the duty 1 year.

XVI. And to the end that the said lighters, boats, and gabbarts, to be employed by the said ballast-office, may give good attendance to the service of the said offices; be it enacted by the authority aforesaid, That no lighter or lighters, boat or boats, gabbart or gabbarts, taken into the service of any of the said ballast-offices, shall at any time carry any goods, wares, or merchandizes of any sort, to or from any ship or ships in any of the said harbours or ports on pain of forfeiting of treble the value of the gabbarage or portage of such goods or merchandizes to the party that shall discover the same; to be recovered in a summary way before the chief magistrate of such of the said city or towns, in the port whereof the said offence shall be committed.

Ballast office lighters shall not carry goods,

Penalty treble value of the portage, to discoverer.

XVII. And be it enacted by the authority aforesaid, That whenever any ship, gabbart, or boat, shall by decay, accident, or otherwise, be sunk in any part of any of the said harbours or rivers, if the owners of such ships, gabbarts, or boats, do not remove them in six days after such sinking, the directors of the said ballast-office of such port, where such ship, gabbart, or boat shall be

Vessels sunk in said harbours or rivers, and not removed in 6 days, shall be removed by the directors,

be ſo ſunk, ſhall and are hereby obliged to remove ſuch ſhip, gabbart, or boat, ſo ſunk, to clear the navigation of the ſaid river; and in caſe the owners of ſuch ſhip, gabbart, or boat, within ſix days after the ſaid ſhip, gabbart, or boat, ſhall be ſo removed, ſhall neglect or refuſe to pay ſuch coſts and charges, as the ſaid ballaſt-office ſhall be put to on account thereof, that then the directors of ſuch ballaſt-office ſhall and may ſell the ſame at publick cant to the higheſt bidder; which ſale ſhall be good and concluſive to all parties; and out of the money ariſing by ſuch ſale deduct the charge and expence they ſhall be put to on account of removing ſuch ſhip, gabbart, or boat, rendering the overplus to the owner.

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and if the charges not paid in 6 days, may be ſold at publick cant, rendering overplus to owner.

XVIII. And be it enacted by the authority aforeſaid, That the directors of the ſaid ſeveral ballaſt-offices ſhall within the ſpace of one month after their entrance into the ſaid offices reſpectively place good and ſubſtantial perches at due diſtances on both ſides of the channels of the ſaid ports from the mouths or entrances of the harbours of the ſaid ports to the ſaid cities and towns reſpectively, and the ſame ſhall carefully preſerve and keep up from time to time for the direction of ſhips, on pain of forfeiting for every wilful neglect the ſum of five pounds; to be recovered in a ſummary manner before the chief magiſtrate of the city or town, in the port whereof the ſaid offence ſhall be committed as aforeſaid, by ſuch perſon or perſons as ſhall ſue for the ſame.

Directors in a month ſhall place perches on both ſides from entrance of the harbour, and preſerve them,

Penalty 5 l. to proſecutor.

XIX. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall be ſued, moleſted, or proſecuted for any thing done by virtue of or in purſuance of this act, or any of the clauſes therein contained, ſuch perſon and perſons ſhall and may plead the general iſſue, and give this act, (which ſhall be deemed a publick act in all courts of juſtice) and the ſpecial matter in evidence for his, her, or their defence; and if afterwards a verdict ſhall paſs for the defendant or defendants, or the plaintiff or plaintiffs ſhall diſcontinue his or their action, or be nonſuited, or if judgment ſhall be given againſt him or them upon demurrer or otherwiſe, then ſuch defendant or defendants ſhall have treble coſts to him, her, or them, to be awarded againſt ſuch plaintiff or plaintiffs, for which ſuch defendant or defendants ſhall have like remedy as in other caſes, where coſts are given by law to defendants.

This a publick act; and perſons ſued for acting may plead general iſſue, &c. and have treble coſts.

XX. Provided always, That this act ſhall not be conſtrued to give the ſaid corporations, or any of them, any further or greater franchiſe than they already have by charter, other than to enable them to execute this act.

Not to give a greater franchiſe to ſaid corporations.

XXI. And ſaving and reſerving to all perſons whatſoever, their ſeveral and reſpective rights and titles, which they or any of them

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have by law to any lands, ſlabs, ſtrand, or wyers, lying within the ſaid ports or harbours; and alſo to their ſeveral royalties and fiſheries within the ſaid ports and harbours, or any of them.

Saving royalties, fiſheries, &c. in ſaid harbours.

CHAP. XXII.

An act for explaining and amending an act made in the ſixth year of the reign of his late Majeſty King George the firſt, intituled, *An act for erecting and continuing lights in the city of Dublin, and the ſeveral liberties adjoyning; and alſo in the cities of Cork and Limerick, and liberties thereof.*

Continued 11 G. 2. 19. *for* 21 *years, &c.* 21 *years by* 15 G. 2. 11. 1 G. 3. 17. *continued as to liberties of Sepulchres, Thomas-court, and Donore,* 21 *years, &c. from* 1 *May* 1763. 33 G. 2. 18.

WHEREAS by an act made in the ſixth year of the reign of his late Majeſty King George the firſt, intituled, *An act for erecting and continuing lights in the city of Dublin, and the ſeveral liberties adjoyning; and alſo in the cities of Cork and Limerick, and liberties thereof;* it was enacted, "That there ſhould "be lamps fixed on the ſeveral bridges in the city of Dublin, as "directed by the ſaid act:" and whereas by the ſaid act it is further enacted, "That if the perſons thereby appointed ſhould "be negligent in performing their duties in maintaining the lights "and ſnuffing them, and cleanſing the glaſs of the lanthorns, as "they ought, according to the true intent and meaning of the "ſaid act, they ſhould forfeit for every ſuch default or neglect the "ſum of two ſhillings and ſix pence, each night the ſame were to "be lighted;" all which ſaid lights by the intent of the ſaid act were to be kept up and maintained with a ſufficient quantity of rape-oyl of the produce of this kingdom: and whereas it has been doubted, how or in what manner the lanthorns or lamps by the ſaid act appointed to be placed on the ſaid bridges in the city of Dublin ſhould be placed; and it being alſo doubted, what ſhould be deemed a default or neglect within the meaning of the ſaid act; whether all the omiſſions or neglects in any one night are to be taken as one neglect or default, or each neglect or omiſſion in one night ſhall be deemed and taken to be a ſeveral neglect or default: for explanation therefore and amendment of the ſaid act in the particulars aforeſaid, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That four lamps ſhall be ſet up and maintained on the body of each bridge of the ſaid city of Dublin: (that is to ſay) two on each ſide of the ſaid reſpective bridges, which ſaid bridges are to be meaſured from one end to the other end of the battlements, and not further; and

Recital of 6 G. 1. 18.

Doubts thereupon.

4 lamps on bridges in Dublin; 2 on each ſide.

and that no lamp placed oppoſite to any of the ſaid bridges, or beyond the battlements of any of them, or at the end of any ſtreet or place oppoſite to or near any of the ſaid bridges, be deemed or reckoned one of the four lamps to be placed on each of the ſaid bridges; and that all the lamps in the ſaid cities of Dublin, Cork, and Limerick, and liberties aforeſaid, ſhall be conſtantly kept and ſupplied in manner and for the times in and by the aforeſaid act preſcribed with a ſufficient quantity of rape-oyl of the produce of this kingdom, or of the oyl of ſun-fiſh made in this kingdom, and with no other oyl; and if the perſons impowered by the ſaid act to cauſe the ſaid lights to be erected, their executors, adminiſtrators, or aſſigns, ſhall neglect ſupplying the ſaid lamps and the lamps hereby directed to be ſet up on the ſeveral bridges in Dublin with a ſufficient quantity of ſuch wick, as thereby directed, or with a ſufficient quantity of ſuch oyl as aforeſaid, or that the perſons employed by them to attend the ſaid lamps ſhall be negligent in performing their duties in lighting and maintaining the ſeveral lights committed to their charge, and ſnuffing them, and cleanſing the glaſs of the ſeveral lanthorns, as they ought, according to the true intent and meaning hereof and of the aforeſaid act, and ſhall be thereof convicted in manner, as by the ſaid act is preſcribed; the perſons empowered by the ſaid act to cauſe lights to be ſet up or erected, their executors, adminiſtrators, or aſſigns, for every night's neglect or omiſſion in ſupplying the ſaid lamps with a ſufficient quantity of wick and oyl as aforeſaid ſhall for every lamp ſo neglected or omitted to be ſupplyed forfeit the ſum of two ſhillings and ſix pence to him or them, that ſhall proſecute for the ſame in manner as by the aforeſaid act is directed; and the perſon or perſons by them reſpectively employed to light and maintain the ſaid lights reſpectively, and for ſnuffing them, and cleanſing the glaſs, as they ought, according to the true intent and meaning aforeſaid, ſhall for every night's omiſſion in lighting and maintaining the ſaid lights, and ſnuffing them, according to the directions of the aforeſaid act, forfeit for every light ſo omitted to be lighted, maintained, and ſnuffed, the ſum of two ſhillings and ſix pence; and for omitting to cleanſe the glaſs of the ſaid lanthorns as often as there ſhall be occaſion, for every night ſuch glaſs is neglected to be cleanſed, ſhall forfeit the ſum of two ſhillings and ſix pence for each lanthorn ſo neglected to be cleanſed, to him or them that ſhall proſecute for the ſame in ſuch manner as is appointed by the aforeſaid act; and in caſe the perſons employed, or that ſhall be employed, to light and maintain, ſnuff, and cleanſe the ſaid lamps, are not able to pay ſuch forfeitures as aforeſaid, or that no diſtreſs can be found belonging to

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No lamp oppoſite to or beyond the battlements of bridges, deemed one of the 4.

Lamps in Dublin, Cork, and Limerick, ſupplied with rape or ſun-fiſh oil made in Ireland.

Penalty for not ſupplying or attending lamps, 2 s. and 6 d. every lamp every night's neglect.

and for not cleanſing the glaſs, to proſecutor, as by ſaid act.

On default of diſtreſs, whipt:

A. D. 1729. to them to answer the same, then such offender and offenders shall be publickly whipped by warrant or warrants of the persons respectively by the aforesaid act authorized to inflict the punishment of whipping: provided that complaint be made of such offence within three days after the same shall be committed.

Complaint must be in 3 days.

CHAP. XXIII.

An act for finishing and regulating the hospital founded by Richard Stephens esquire, doctor of Physick.

Recital of devise by Dr. Richard Stevens to trustees after death of his sister, to erect and support an hospital for the sick and wounded,

WHEREAS Richard Stephens late of the city of Dublin, doctor of physick, deceased, did by his last will and testament give and devise all his real estate unto his sister Grizell Stephens for and during the term of her natural life, and after her decease did will and bequeath the same unto the right honourable Robert Rochfort esquire, lord chief baron of his Majesty's court of Exchequer, the reverend doctor John Sterne, dean of Saint Patrick's, William Griffith of the city of Dublin, doctor of physick, Thomas Proby and Henry Ashton of the city of Dublin esquires, their heirs and assigns for ever, to the uses, intents, and purposes, that his said trustees, and their heirs, and the survivor of them, should with all convenient speed after the death of his said sister out of the rents, issues, and profits of his said real estate so bequeathed to them build, or cause to be built, or otherwise provide, a proper place or building within the city of Dublin for an hospital for maintaining and curing from time to time such sick and wounded persons, whose distempers and wounds are curable; and after such place shall be so provided and fit for the reception of such sick and wounded persons, then that his said trustees, their heirs or assigns, or any three or more of them, should make laws, rules, and ordinances for the good government and order of the said hospital, and should appoint from time to time such governors or other proper officers and servants, as they should think fit; and after such hospital should be erected and provided, that his said trustees and their heirs, and the survivor of them, should apply the rents, issues, and profits of his said real estate for the support and maintenance of the said hospital, and for providing proper medicines, meat, and drink, and other necessaries, for such sick and wounded persons as should be brought into the said hospital, and for defraying the other necessary

ceſſary charges thereof: and whereas Eſther Johnſon of the city of Dublin ſpinſter by her laſt will and teſtament, bearing date the thirtieth day of December one thouſand ſeven hundred and twenty ſeven, did deviſe and direct, that the ſum of one thouſand pounds, part of her fortune, ſhould be laid out by her executors in purchaſing lands in the provinces of Leinſter, Munſter, or Ulſter; which lands, or the ſaid one thouſand pounds till the ſaid lands ſhould be purchaſed, were by the ſaid will veſted in the governors of the hoſpital founded by Richard Stephens doctor of phyſick, deceaſed, near Saint James's-ſtreet, Dublin, and their ſucceſſors for ever, in truſt, that the ſaid governors and their ſucceſſors ſhould pay the intereſt of the ſaid one thouſand pounds, or the rents of the ſaid lands when purchaſed, half yearly to her mother and ſiſter by even portions, and to the ſurvivor of them during their lives, and after the deceaſe of her mother and ſiſter, that the intereſt of rents ſhould be applied to the maintenance of a chaplain in the ſaid hoſpital founded by doctor Richard Stephens, to be elected by the governors and other perſons therein named, under the directions, rules, conditions, and reſtrictions, in the ſaid will expreſſed and declared, and made and conſtituted the reverend doctor Thomas Sherridan of the city of Dublin, the reverend Mr. John Gratton, the reverend Mr. Francis Corbett, and John Rochfort eſquire of the city of Dublin, her executors: and whereas colonel Alexander Montgomery lately deceaſed, did by his laſt will and teſtament bearing date the fourth day of July one thouſand ſeven hundred and twenty ſeven give and deviſe unto John Montgomery eſquire, and captain Alexander Auchinlecke, and their heirs, a field and right of commonage in Dolphin's-barn, which he purchaſed from the executors of his father-in-law Henry Piercy eſquire, to the uſe of the truſtees of doctor Stephen's hoſpital or infirmary for ever, and that the ſaid John Montgomery and Alexander Auchinlecke, and their heirs, ſhould convey the ſame to the truſtees in doctor Stephens's will for the uſe of the ſaid charity: and whereas the ſaid Grizell Stephens, after whoſe deceaſe the ſaid hoſpital is directed to be built by the will of the ſaid doctor Richard Stephens her brother, is notwithſtanding deſirous out of regard to his memory, and in order to ſee this his great charity for the wounded and diſtempered ſooner take place, that the hoſpital projected by her ſaid brother's will ſhould with all convenient ſpeed be erected; and ſhe the ſaid Grizell Stephens has for that purpoſe given and laid out a conſiderable part of the rents of her ſaid brother's real eſtate, which ſhe was intitled to, towards erecting the ſame; by means whereof a great progreſs is already made in the ſaid work: and whereas all the ſaid truſtees

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and by Eſther Johnſon to maintain a chaplain

and by Alex. Montgomery to uſe of ſaid hoſpital.

Dr. Stephens ſiſter deſirous to ſee the charity take place, has applied part towards the ſaid work,

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all the truſtees dead, except Dr. John Sterne.

appointed by the ſaid doctor Stephens's will are dead, except the ſaid doctor John Sterne, now the right reverend John lord biſhop of Clogher, whereby the charitable intentions of the ſaid doctor Richard Stephens may be rendered ineffectual, and in caſe of the death of the ſaid biſhop of Clogher, the ſaid eſtate may deſcend to minors, or other perſons not capable of executing the truſt repoſed in them, or anſwering the end and deſign of the ſaid teſtator, and the whole plan propoſed by the ſaid doctor Stephens may be thereby defeated: for the better carrying therefore into execution the ſaid charitable ſcheme, the ſaid Grizell Stephens and the ſaid John Lord biſhop of Clogher, ſurviving truſtee in the ſaid doctor Stephens's will, are deſirous that a corporation ſhould be erected by act of Parliament effectually to anſwer the charitable intentions of the ſaid doctor Stephens, and that the real eſtate of the ſaid doctor Stephens deviſed to the truſtees before mentioned, and their heirs, ſhould be veſted after the death of the ſaid Grizell in the perſons hereinafter mentioned, as a body corporate, upon the ſame truſts and to the like intents and pupoſes, and under the ſame rules and directions, as in and by the ſaid will of the ſaid doctor Richard Stephens are expreſſed and declared: and whereas the ſaid doctor Thomas Sherridan, the reverend Mr. John Grattan, the reverend Mr. Francis Corbett, and the ſaid John Rochfort eſquire, executors of the ſaid laſt will and teſtament of the ſaid Eſther Johnſon, are alſo willing and conſenting, that the ſaid ſum of one thouſand pounds, deviſed by her to be laid out for the purpoſes in the ſaid will, ſhould be alſo veſted in the perſons herein after named as a body corporate, under the ſame truſts, and under the like conditions, rules, and directions as in her ſaid will are mentioned and contained; at the humble requeſt therefore of the ſaid Grizell Stephens, and of the ſaid John lord biſhop of Clogher, ſurviving truſtee in the will of the ſaid doctor Richard Stephens, and of the ſaid doctot Thomas Sherridan, the ſaid John Gratton, Francis Corbett, and John Rochfort, executors of the laſt will of the ſaid Eſther Johnſon, may it pleaſe your moſt excellent Majeſty that it may be enacted, and be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the twenty fifth day of April one thouſand ſeven hundred and thirty there be and ſhall be a corporation to continue for ever for the excution of the ſaid laſt will and teſtament of the ſaid doctor Richard Stephens, ſo far forth as the ſame relates to the ſaid hoſpital, ſo intended to be erected as aforeſaid, and to anſwer

To render it more effectual they are deſirous that a corporation ſhould be erected,

executors of Eſther Johnſon conſenting.

a perpetual corporation erected for execution thereof.

anſwer the ſeveral intents and purpoſes therein contained, or hereinafter mentioned; which corporation ſhall conſiſt of the ſeveral perſons herein after named: (that is to ſay) his grace the lord primate of all Ireland for the time being, the right honourable the lord high chancellor of Ireland for the time being, his grace the lord archbiſhop of Dublin for the time being, John lord biſhop of Clogher, the chancellor of his Majeſty's court of Exchequer for the time being, the lord chief juſtice of his Majeſty's court of King's bench, the lord chief juſtice of his Majeſty's court of Common pleas, the lord chief baron of his Majeſty's court of Exchequer, all for the time being, the reſpective deans of Chriſt-church and Saint Patricks, Dublin, for the time being, the provoſt of Trinity-college near Dublin for the time being, the right honourable Frederick Hamilton eſquire, the right honourable doctor Marmaduke Coghill, the right honourable Richard Tighe eſquire, Sir William Fownes baronet, George Rochfort and John Rochfort of the city of Dublin eſquires, Thomas Molyneux, Edward Worth, Richard Helſham, and Brian Robinſon eſquires, doctors of phyſick, Thomas Burgh of the city of Dublin eſquire, John Nicholls eſquire, his Majeſty's chyrurgeon general of Ireland, and the chyrurgeon general of Ireland for the time being.

The members.

II. And be it further enacted by the authority aforeſaid, That upon the death of any perſon or perſons, whoſe name is herein particularly before mentioned, whereby a vacancy of a governor ſhall happen, that then the governors of the ſaid hoſpital, or the major part of them, five at leaſt conſenting, ſhall within three calendar months after the death of ſuch perſon elect ſome other fit perſon to be a governor in the place or ſtead of every ſuch perſon ſo dying; and as often as any vacancy ſhall happen in the place of any of the perſons hereafter to be elected to ſucceed therein, ſome other perſon or perſons ſhall in like manner be elected; which ſaid perſon ſo from time to time elected ſhall to all intents and purpoſes be deemed and taken to be governors of the ſaid hoſpital, as if their names were herein particularly inſerted.

On vacancy, the governors (5 at leaſt) ſhall elect in 3 months.

III. Provided nevertheleſs that before every ſuch election of a governor eight days notice in writing ſhall be given to the governors of the day, time, and place of ſuch election, to be left at their uſual place of abode, if in the city of Dublin, or the ſuburbs or liberties thereof; and for want of ſuch notice the election ſhall be void, and the governors may proceed to a new election.

8 days notice in writing, or the election void.

IV. And be it further enacted by the authority aforeſaid, That from and after the ſaid twenty fifth day of April one thouſand

The corporation named,

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ſand ſeven hundred and thirty the aforeſaid perſons and their ſucceſſors ſhall for ever hereafter in name and fact be one body politick and corporate in law for the purpoſes in this act contained, and ſhall have perpetual ſucceſſion, and ſhall be called by the name of the governors and guardians of the hoſpital founded by doctor Richard Stephens, and that they ſhall be enabled to

to ſue, &c.

plead and ſue, and to be ſued and impleaded, by that name in all courts and places of judicature, and ſhall and may appoint a common ſeal or ſeals for the uſe of the ſaid corporation.

to meet as often as occaſion,

V. And be it further enacted by the authority aforeſaid, That the ſaid governors and guardians of the ſaid hoſpital, and their ſucceſſors, ſhall have power and authority, and are hereby authorized, to meet together from time to time and as often as there ſhall be occaſion; and the ſaid governors and guardians, or their ſucceſſors, or any five or more of them, being ſo aſſembled, whereof the lord chancellor, or one of the chief judges for the time being, to be always one, ſhall have power to conſider of, and by the votes of the major part of ſuch of the ſaid governors and guardians, as ſhall be ſo aſſembled, to make ſuch reaſonable laws,

and make regulations;

rules, orders, and regulations, for the better government and management of the ſaid hoſpital, as they ſhall think neceſſary and convenient, and to revoke or alter the ſame at their diſcretion; to which laws, rules, orders, and regulations, ſo made by the ſaid

and for not conforming thereto may ſuſpend officers or ſervants, and remove the ſick or wounded,

governors and guardians of the ſaid hoſpital, all officers and ſervants belonging to the ſaid hoſpital, who ſhall from time to time be nominated and appointed by the votes of the major number of ſuch of the ſaid governors and guardians of the ſaid hoſpital, as ſhall be ſo aſſembled, five at leaſt being preſent, and all ſick and wounded perſons, who from time to time ſhall be and remain within the ſame, ſhall for ever be lyable and ſubject to, and from time to time obſerve and pay due obedience, thereto; and in caſe ſuch officers and ſervants, or ſick or wounded

or inflict a leſſer puniſhment.

perſons, ſhall refuſe or neglect to conform to and obey the ſame, the ſaid governors and guardians of the ſaid hoſpital at any aſſembly by the votes of the major number, five at leaſt being preſent, ſhall have full power and authority, and are hereby authorized, to ſuſpend or deprive ſuch officers or ſervants of and from their offices, ſervices, or employments, and all perquiſites and profits belonging thereunto, and to remove or cauſe to be removed ſuch ſick and wounded perſons out of the ſaid hoſpital, or for ſuch offence or offences to appoint any leſſer puniſhment to be inflicted on ſuch officers or ſervants, and ſuch ſick and wounded perſons, as in their diſcretion they ſhall think fit.

The eſtates veſted in them according to

VI. And be it further enacted by the authority aforeſaid, That from and after the deceaſe of the ſaid Grizell Stephens all the real

real eſtate of the ſaid doctor Richard Stephens ſhall be and is hereby veſted in the ſaid governors and guardians of the hoſpital founded by the ſaid doctor Richard Stephens and their ſucceſſors for ever, upon the ſeveral truſts, and to the ſame uſes, and under the ſame rules, directions, and reſtrictions, as in and by the ſaid laſt will and teſtament of the ſaid doctor Richard Stephens are limited and appointed concerning the ſame, and to no other uſe, intent, or purpoſe whatſoever; and that the ſaid ſum of one thouſand pounds, bequeathed by the will of the ſaid Eſther Johnſon, ſhall from and after the ſaid twenty fifth day of April be veſted in the ſaid governors and guardians of the ſaid hoſpital and their ſucceſſors upon the truſts and for the intents and purpoſes in and by the laſt will and teſtament of the ſaid Eſther Johnſon limitted and appointed concerning the ſame. A. D. 1729. Chap. 23. the wills of Dr. Stephens and Eſther Johnſon.

VII. And be it further enacted by the authority aforeſaid, That the ſaid governors and guardians of the ſaid hoſpital, and their ſucceſſors, ſhall and may without licence in mortmain purchaſe, take or receive any manners, lands, tenements, annuities, or hereditaments in poſſeſſion, reverſion, or contingency, not exceeding the value of two thouſand pounds *per annum* in the whole, of the alienation, gift, or deviſe of any perſon or perſons having a right, and not being otherwiſe diſabled, to alien, grant, or deviſe the ſame, who are hereby enabled to transfer and grant the ſame accordingly, or any goods and chattels perſonal whatſoever, as well for finiſhing the ſaid building, as for the relief, ſupport, and maintenance of the ſick and wounded perſons to be placed in the ſaid hoſpital; and that the ſaid John Montgomery and captain Alexander Auchinlecke, truſtees in the will of the ſaid colonel Alexander Montgomery, may and are hereby impowered and enabled to grant and convey the field and right of commonage in Dolphin's barn to the ſaid governors and guardians of the ſaid hoſpital and their ſucceſſors according to the true intent and meaning of the laſt will and teſtament of the ſaid colonel Alexander Montgomery deceaſed; which ſhall be as good and effectual, as if ſuch conveyance had been made to the truſtees in the will of the ſaid doctor Stephens; the ſtatutes of mortmain, or any other ſtatute, law, proviſion, or reſtriction, to the contrary notwithſtanding.

They may without licence in *mortmain* purchaſe, &c. 2000 l. *per ann.*

Truſtees in Montgomery's will may convey to them effectually.

VIII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid governors and guardians of the ſaid hoſpital from time to time by indenture under their common ſeal to demiſe or leaſe any lands, tenements, or hereditaments veſted in them in purſuance of this act, or any part or parcel thereof, for any term or number of

Said governors may under common ſeal make leaſes,

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years in cities or towns corporate, not exceeding the term of ſixty one years, and in any other place not exceeding the term of thirty one years, ſo as upon every ſuch demiſe or leaſe there be reſerved and made payable half yearly to the governors and guardians of the ſaid hoſpital, and their ſucceſſors, during the ſaid term, as much rent as can at the making ſuch leaſe be really and *bona fide* gotten for the ſame from a ſolvent tenant, and ſo as no fine, income, or other conſideration be taken for the ſame, and that every ſuch demiſe or leaſe be made in poſſeſſion, and not in reverſion.

61 years in cities, &c. in other places 31.

reſerving half yearly the beſt rent; no fine, &c. and not in reverſion.

IX. And be it further enacted by the authority aforeſaid, That all leaſes made of ſuch lands, tenements, or hereditaments, in any other manner ſhall not be good or available in law, but ſhall be *ipſo facto* null and void.

otherwiſe void.

X. And be it further enacted by the authority aforeſaid, That this act ſhall be deemed, taken, and allowed in all courts within this kingdom as a publick act, and all judges are hereby required as ſuch to take notice thereof without ſpecially pleading the ſame.

This a publick act.

THE

A. D. 1731.

THE FIFTH YEAR OF GEORGE II.

CHAP. I.

An Act for granting and continuing to his Majeſty an additional duty on beer, ale, ſtrong waters, wine, tobacco, and other goods and merchandizes therein mentioned.

WE your Majeſty's moſt dutiful and loyal ſubjects, the commons of Ireland in Parliament aſſembled, being highly ſenſible of your Majeſty's tender regard for the happineſs and proſperity of this kingdom, have in the moſt chearful and grateful manner unanimouſly reſolved to ſupply your Majeſty to the utmoſt of our power with what ſhall be neceſſary for the ſupport of your Majeſty's government, and the defence of this your kingdom; and therefore do moſt humbly beſeech your Majeſty, that it may be enacted, and be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and

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Duties granted by 1 G. 2. 4.

and by the authority of the ſame, That the ſeveral and reſpective duties and impoſitions on beer, ale, ſtrong waters, wine, tobacco, and other goods and merchandizes, which in and by an act of Parliament made and paſſed in the firſt year of your Majeſty's reign, intituled, *An act for granting to his Majeſty an additional duty on beer, ale, ſtrong waters, wine, tobacco, and other goods and merchandizes therein mentioned; and alſo a tax on ſalaries, profits of employments, fees, and penſions, and for ſecuring the re-payment of fifty thouſand pounds ſterling, formerly advanced to his late Majeſty for the uſe of the publick, together with the intereſt thereof*, were granted unto your Majeſty, or chargeable in manner therein mentioned, from the twenty fifth day of March one thouſand ſeven hundred twenty and eight to the twenty fifth day of December one thouſand ſeven hundred twenty and nine inclusive; and which

and continued 3 G. 2. 1.

by one other act made and paſſed in the third year of your Majeſty's reign, intituled, *An act for granting and continuing to his Majeſty an additional duty on beer, ale, ſtrong waters, wine, tobacco, and other goods and merchandizes therein mentioned*, were

further continued until 25 Dec. 1733. *continued from time to time, and by* 1 G. 3. 1. *until* 25 Dec. 1763. *except* 5 *s. per gallon on ſpirits above proof.*

continued until the twenty fifth day of December in the year of our Lord one thouſand ſeven hundred thirty and one inclusive, be further granted, continued, raiſed, collected, levied, and paid, unto your Majeſty, your heirs and ſucceſſors, from the ſaid twenty fifth day of December one thouſand ſeven hundred thirty and one until the twenty fifth day of December one thouſand ſeven hundred thirty and three inclusive.

ſaid duties levied over and above all others by 14 *C.* 2. 8.

or 14 *C.* 2. 9.

II. And be it enacted, That all and ſingular the ſaid duties hereby granted and continued ſhall be raiſed, levied, collected, and paid unto your Majeſty, your heirs and ſucceſſors, during the time aforeſaid, over and above all other duties payable for the ſame, by virtue of an act made in this kingdom in the fourteenth year of the reign of King Charles the ſecond, intituled, *An act for the ſettling of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*, or by virtue of one other act made in the ſaid fourteenth year of the reign of the ſaid King Charles the ſecond, intituled, *An Act for ſettling the ſubſidy of poundage, and granting a ſubſidy of tunnage, and other ſums of money unto his royal Majeſty, his heirs and ſucceſſors, the ſame to be paid upon merchandizes imported and exported into or out of the kingdom of Ireland according to a book of rates hereunto annexed.*

if after payment of ſaid duties, or ſecurity, ſaid wines, *&c.* again exported by merchants ſubjects in 12 months, or ſtrangers in 9, and certificate of due entry, payment, *&c.* ſaid additional duties repaid, or ſecurity diſcharged. *altered by ſubſequent acts, and by* 1 G. 3. 1. *to* 24 *months by ſubjects and* 12 *by ſtrangers.*

III. Provided always, and be it enacted by the authority aforeſaid, That if the ſaid wines, ſtrong-waters, ſpirits perfectly made, and ſpirits made and diſtilled of wine and brandy, or ſpirits above proof, upon which the ſaid additional duties are charged, ſhall after payment thereof, or ſecurity given for the ſame, be again exported by any merchant or merchants, that is or are a ſubject or ſubjects of this realm, or any other his Majeſty's dominions, within twelve months, or by merchants ſtrangers within nine months, after the importation thereof, and due proof firſt made by certificate from the proper officers of the due entry of ſuch wines, ſtrong waters, ſpirits perfectly made, and ſpirits made and diſtilled of wine, brandy, or ſpirits above proof, and of the payment of the ſaid additional duties hereby granted and charged thereon, or ſecurity being given for the ſame, and that all other requiſites ſhall have been performed, which are by law required to be performed in caſes where the duties of exciſe are to be repaid by virtue of the before mentioned act, [intituled, *An act for the ſettling of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*;] that then the ſaid additional duties ſhall without any delay or reward be repaid or allowed unto ſuch merchant or merchants, ſo exporting the ſame, within one month after demand thereof, or the ſecurity for the ſaid additional duties by this act charged, ſhall be vacated or diſcharged as to ſo much, as ſhall be ſo exported; any thing in this act contained to the contrary notwithſtanding.

IV. And be it further enacted by the authority aforeſaid, That for the better levying and collecting the ſeveral rates and duties hereby granted, and alſo for a further ſupply to your Majeſty, all and every the rules, directions, powers, and authorities, clauſe or clauſes, relating to the brewers mixing their beer and ale, and diſtillers

diſtilling

diſtilling of ſtrong waters, and for preventing the mixing of ſmall worts with ſtrong ale or beer after the gauger hath taken the gauge thereof, and for impowering gaugers to take an account of all waſh and low wines in diſtillers hands, the better to aſcertain the quantity of *aqua vitæ*, ſtrong waters, and ſpirits by them diſtilled, and all penalties and forfeitures ariſing thereby and therefrom, given, granted, or enacted, in and by an act paſſed in the fourth year of the reign of his late Majeſty King George the firſt of glorious memory, intituled, [*An act for continuing to his Majeſty an additional duty on all wines and ſtrong waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine; and alſo a tax on all ſalaries, profits of employments, fees, and penſions therein mentioned; and for granting a further additional duty on ale, beer, and ſtrong-waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine, and for ſecuring the repayment of fifty thouſand pounds* ſterling, *formerly advanced to his Majeſty for the uſe of the publick, together with the intereſt thereof*] which were to continue from the twenty firſt day of November one thouſand ſeven hundred and ſeventeen until the twenty fifth day of November one thouſand ſeven hundred and nineteen inclusive, and which were further granted and continued from time to time by divers acts of Parliament made in this kingdom until the twenty fifth day of December one thouſand ſeven hundred thirty and one inclusive, ſhall be and continue in full force from the ſaid twenty fifth day of December one thouſand ſeven hundred thirty and one until the twenty fifth day of December, which ſhall be in the year of our Lord one thouſand ſeven hundred thirty and three inclusive.

All clauſes relating to brewers mixing liquors, &c. and impowering gaugers to take account to aſcertain quantity of ſpirits diſtilled, and all penalties in 4 *G.* 1. 2. which were continued from time to time, further continued until 25 Dec. 1733. *and further by ſeveral acts, and by* 33 *G.* 2 1. *until* 25 *Dec.* 1761.

V. And be it enacted by the authority aforeſaid, That for a further ſupply to your Majeſty the further additional duty of twenty ſhillings *ſterling* on every hundred weight of molaſſes, and the further additional duty of twenty ſhillings on every hundred weight of treacle, which in and by the ſaid act of Parliament made in the firſt year of your Majeſty's reign were granted to your Majeſty from the twenty fifth day of March, which was in the year of our Lord one thouſand ſeven hundred twenty and eight until the twenty fifth day of December one thouſand ſeven hundred twenty and nine inclusive, and which were further granted and continued to your Majeſty from the ſaid twenty fifth day of December one thouſand ſeven hundred twenty and nine until the twenty fifth day of December one thouſand ſeven hundred thirty and one inclusive, be further granted, continued, collected, levied, and paid, unto your Majeſty, your heirs and ſucceſſors, from the ſaid twenty fifth day of December one thouſand ſeven hundred thirty and one until the twenty fifth day of December one thouſand ſeven hundred thirty and three inclusive.

Additional duty on molaſſes and treacle granted by 1 *G.* 2. 4. and continued, further continued until 25 Dec. 1733. *continued from time to time, and by* 1 *G.* 3. 1. *until* 25 *Dec.* 1763.

VI. And be it further enacted by the authority aforeſaid, That the ſaid additional rates and duties on coffee, tea, chocolate, and cocoa-nuts, and all money ariſing thereby, ſhall be paid to the truſtees appointed for the management of the hempen and flaxen manufactures of this kingdom, to be by them applied to encourage and ſupport the ſaid manufactures and the trade thereof in this kingdom.

Additional duties on coffee, &c. paid to truſtees for linnen manufacture. *continued from time to time, and by* 1 *G.* 3. 1.

VII. And be it further enacted by the authority aforeſaid, That all and every the ſeveral and reſpective additional duties, hereby granted or continued, ſhall be raiſed, anſwered, collected, and paid, unto your Majeſty, your heirs and ſucceſſors, during the term aforeſaid, at the ſame time, in like manner, and by ſuch ways, means, and methods, and by ſuch rules and directions, and under ſuch penalties and forfeitures, and with ſuch powers, as are appointed, directed, and expreſſed in and by the ſaid act made in this kingdom in the fourteenth year of the reign of King Charles the ſecond, intituled, *An act for the ſettling of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*, or by any other law now in force relating to the revenue or exciſe in this kingdom, as fully and effectually to all intents and purpoſes as if the ſame were particularly mentioned, expreſſed, and enacted again in the body of this preſent act; with like remedy of appeal to and for the party grieved as in and by the ſaid act of exciſe, or any other law now in being relating to the duties of exciſe, is provided.

All additional duties hereby granted or continued, ſhall be collected as by 14 *C.* 2. 8. or any other exciſe law in force.

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All fees payable to vice-treaſurer, receiver, or pay-maſter-general, &c. ſhall be received and accounted for to the King's uſe as a further aid.

VIII. And be it enacted by the authority aforeſaid, That the ſix pence *per* pound, and all other fees, which ſhall or may be payable to the vice-treaſurer, receiver, or pay-maſter-general, or any other officer or officers of this kingdom, for, or on account of, or out of the aids hereby granted unto your Majeſty, ſhall be received by the ſaid vice-treaſurer, receiver, or pay-maſter general, for the uſe of your Majeſty, your heirs and ſucceſſors, during the term aforeſaid, and ſhall be duly accounted for by him or them to your Majeſty, your heirs and ſucceſſors, as a further and additional aid hereby given and granted.

Grants of money to the linen-manufacture, Blue-coat Hoſpital, and ſeveral private perſons.

IX. And be it enacted by the authority aforeſaid, That the ſeveral ſums hereafter mentioned be paid out of the aforeſaid additional duties and aids, granted and continued to your Majeſty by this preſent act, to the perſons herein after mentioned: (that is to ſay) the ſum of two thouſand pounds *per annum* for two years from the twenty fifth day of December one thouſand ſeven hundred and thirty one to the twenty fifth day of December, which will be in the year of our Lord one thouſand ſeven hundred thirty and three inclusive, to the truſtees appointed for the management of the hempen and flaxen-manufacture of this kingdom, for encouraging the raiſing ſufficient quantities of hemp and flax in this kingdom; alſo the ſum of three hundred pounds *ſterling* to Matthew Pennefather eſquire, accomptant-general, as a reward for his expence and trouble in preparing and ſtating the publick accounts of the nation, laid before the houſe of commons this ſeſſion of Parliament; alſo the ſum of three hundred pounds *ſterling* to Bruen Worthington a clerk of the houſe of commons, as a reward for his attendance and ſervice this ſeſſion of Parliament; alſo the ſum of two hundred pounds *ſterling* to Iſaac Ambroſe a clerk of the houſe of commons, as a reward for his attendance and ſervice this ſeſſion of Parliament; alſo the ſum of two hundred pounds to John Kerr clerk aſſiſtant, as a reward for his ſervice and attendance this ſeſſion of Parliament; three hundred pounds *ſterling* to Richard Povey ſerjeant at arms, as a reward for his attendance and ſervice on the houſe of commons; two hundred and fifty pounds *ſterling* to William Baily and Henry Buckley, the clerks attending the committee of accounts and other committees, as a reward for their attendance and ſervice this ſeſſion of Parliament, to be equally divided between them; eighty pounds *ſterling* to John Fieldhouſe and James Savage, door-keepers of the houſe of commons, as a reward for their attendance and ſervice this ſeſſion of Parliament, to be equally divided between them; one hundred pounds *ſterling* to Samuel Fairbrother, for printing the publick accounts laid before the houſe of commons this ſeſſion of Parliament; two hundred pounds *ſterling* to the governors of the Blue-coat Hoſpital Dublin, towards rebuilding part of the ſaid Hoſpital, which is become neceſſary by reaſon of the alterations made therein for the accommodation of both houſes of Parliament the laſt ſeſſion; thirty pounds *ſterling* to the reverend Richard Gibbons chaplain to the ſaid Hoſpital, for his expence in quitting his apartment in the ſaid Hoſpital for the accommodation of the Parliament the laſt ſeſſion; twenty pounds *ſterling* to Alfred Howard agent to the ſaid Hoſpital, for his expence in quitting his apartment in the ſaid Hoſpital for the accommodation of the Parliament the laſt ſeſſion; and alſo the ſum of twenty pounds *ſterling* to Thomas Thorne ſteward to the ſaid Hoſpital, for his expence in quitting his apartment in the ſaid Hoſpital for the accommodation of the Parliament the laſt ſeſſion; all which ſaid ſeveral ſums are to be paid by the vice-treaſurer or receiver-general of this kingdom without any further or other warrant to be ſued for, had, or obtained in that behalf.

CHAP.

A. D. 1731.

CHAP. II.

An Act for granting to his Majeſty a further additional duty on wine, ſilk, hopps, china, earthen, japaned, or lacquered ware, and vinegar; and alſo a tax of four ſhillings in the pound on all ſalaries, profits of employments, fees, and penſions, to be applied to pay an intereſt of five pounds per cent. per annum *for the ſum of three hundred thouſand pounds, and towards the diſcharge of the ſaid principal ſum.*

WHEREAS by an act paſſed the laſt ſeſſion of Parliament, intituled, *An act for granting to his Majeſty a further additional duty on wine, ſtrong-waters, brandy, and ſpirits; and alſo a tax of four ſhillings in the pound on all ſalaries, profits of employments, fees, and penſions, to be applied to pay an intereſt at the rate of ſix pounds* per cent. per annum, *for the ſum of two hundred thouſand pounds, and towards the diſcharge of the ſaid principal ſum*, it was enacted, "That for all and "every ſuch ſum and ſums of money, not exceeding in the whole the ſum of one "hundred and fifty thouſand pounds, as ſhould, on or before the twenty fifth day "December one thouſand ſeven hundred and twenty nine be paid into your Ma- "jeſty's treaſury for the purpoſes in the ſaid act mentioned, there ſhould be paid at "the receipt of your Majeſty's Exchequer at the end of every ſix calendar "months from the ſaid twenty fifth of December one thouſand ſeven hundred and "twenty nine to the perſon or perſons ſo paying or lending the ſame, his, her, or "their executors, adminiſtrators, and aſſigns, an intereſt according to the rate of "ſix pounds *per cent. per annum* without any fee or charge from and after the "twenty fifth day of December one thouſand ſeven hundred and twenty nine, "until ſuch time as they ſhould be reſpectively paid their principal money at one "entire payment;" and it was further enacted by the ſaid act, "That from and "after the twenty fifth of December one thouſand ſeven hundred and twenty nine "the like intereſt of ſix pounds *per cent. per annum* ſhould be paid half-yearly in "like manner at the receipt of your Majeſty's Exchequer to the ſeveral perſons, "their executors, adminiſtrators, or aſſigns reſpectively, who had advanced the "ſum of fifty thouſand pounds in the ſaid act mentioned, and that without "charge or fee, until ſuch time as they ſhould be reſpectively paid their principal "money at one entire payment:" and whereas not only the ſaid ſums of fifty thouſand pounds, and one hundred and fifty thouſand pounds, making in the whole the ſaid ſum of two hundred thouſand pounds, remain ſtill unpaid, but there alſo remains a conſiderable arrear due to your Majeſty's eſtabliſhment on the twenty fifth day of March one thouſand ſeven hundred and thirty one, which cannot at preſent be diſcharged, and your Majeſty's eſtabliſhment ſupported, without ſuch ſupplies as would greatly burthen your Majeſty's faithful ſubjects of this kingdom: be it therefore enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That for all and every ſuch ſum and ſums of money, not exceeding in the whole the ſum of one hundred thouſand pounds, as ſhall on or before the twenty fifth day of December one thouſand ſeven hundred and thirty one be paid into your Majeſty's treaſury towards the diſcharge of the ſaid arrear, there ſhall be paid at the receipt of your Majeſty's Exchequer by the hands of the vice-treaſurer or paymaſter-general, vice-treaſurers or paymaſters-general, his or their deputy or deputies, at the end of every ſix calendar months from the ſaid twenty fifth day of December one thouſand ſeven hundred and thirty one to the perſon or perſons ſo paying or lending the ſame,

Recital of 3 G. 2. 2.

The 200,000l. ſtill unpaid,

and an arrear to the eſtabliſhment.

5l. *per cent.* to be paid every 6 months for 100,000l. borrowed and paid into Exchequer on or before 25 Dec. 1731.

ſame, his, her, or their executors, adminiſtrators, or aſſigns, an intereſt according to the rate of five pounds *per cent. per annum* without any fee or charge, and free from all deductions, defalcations, and abatements whatſoever, from and after the ſaid twenty fifth day of December one thouſand ſeven hundred and thirty one, until ſuch time as they be reſpectively paid their principal money at one intire payment.

Like orders or receipts given by officers of treaſury as for the loan by ſaid act.

II. And be it further enacted by the authority aforeſaid, That ſuch and the like orders or receipts ſhall be given by the officers of your Majeſty's treaſury for all and every ſum and ſums of money to be paid into the receipt of your Majeſty's Exchequer on account of the ſaid intended loan of one hundred thouſand pounds, as were given for the ſeveral ſums advanced on account of the ſaid loan of fifty thouſand pounds, and one hundred and fifty thouſand pounds.

from 25 Dec. 1731 5 l. *per cent.* payable for the ſaid 200,000.

III. And be it further enacted by the authority aforeſaid, That from and after the ſaid twenty fifth day of December one thouſand ſeven hundred and thirty one an intereſt after the rate of five pounds *per cent. per annum*, and no more, ſhall be paid half yearly in like manner at the receipt of your Majeſty's Exchequer to the ſeveral perſons, their executors, adminiſtrators, and aſſigns, who formerly paid and advanced the ſaid ſeveral ſums of fifty thouſand pounds and one hundred and fifty thouſand pounds, without any charge or fee, and free from all deductions, defalcations, and abatements whatſoever, until ſuch times as they be reſpectively paid their principal money at one intire payment.

Perſons intitled to any part of ſaid 200,000 ſhall deliver up former orders or receits,

IV. And be it further enacted by the authority aforeſaid, That each and every perſon intitled to any part of the ſaid reſpective ſums of fifty thouſand pounds and one hundred and fifty thouſand pounds, ſhall on or before the twenty fifth day of December one thouſand ſeven hundred and thirty one deliver or cauſe to be delivered up to the vice-treaſurer or vice-treaſurers, his or their deputy or deputies, all receipts or orders, whereby ſuch perſon or perſons reſpectively are intitled to any part of the ſaid ſums of fifty thouſand pounds and one hundred and fifty thouſand pounds; which ſaid order and orders, receipt and receipts, the ſaid vice-treaſurer or vice-treaſurers, his or their deputy or deputies, is and are hereby impowered and required to receive and cancel, and to make out and deliver the like orders or receipts to ſuch perſon or perſons reſpectively, their executors, adminiſtrators, and aſſigns: who ſhall deliver or cauſe to be delivered ſuch former orders or receipts for the ſums contained in ſuch former orders or receipts, with intereſt for the ſame according to the rate of five pounds *per cent. per annum*.

and ſhall have the like orders for like ſums, at 5 l. *per cent.*

If any refuſe 5 l. *per cent.* they ſhall receive their money due, on transferring their orders to vice-treaſurer,

V. Provided always, and be it enacted by the authority aforeſaid, That if any perſon or perſons, intitled to any part of the ſaid ſeveral ſums of fifty thouſand pounds and one hundred and fifty thouſand pounds, ſhall refuſe to take or accept for the ſaid principal money to them reſpectively due five pounds *per cent. per annum* intereſt from the ſaid twenty fifth day of December one thouſand ſeven hundred and thirty one, that then ſuch perſon or perſons transferring his, her, or their order or orders, receipt or receipts, and the whole benefit thereof, to the ſaid vice-treaſurer or vice treaſurers, his or their deputy or deputies, ſuch perſon or perſons ſhall have and receive the money due to them on ſuch orders or receipts from the ſaid vice-treaſurer or vice treaſurers, his or their deputy or deputies; which ſaid orders and receipts ſo transferred the ſaid vice-treaſurer or vice-treaſurers, his or their deputy or deputies, are hereby impowered and required to cancel, and to make out new orders or receipts at an intereſt of five pounds *per cent. per annum* from the ſaid twenty fifth day of December one thouſand ſeven hundred and thirty one for ſuch ſum and ſums of money, as ſhall be by them paid off and diſcharged, and deliver ſuch new orders and receipts to ſuch perſon or perſons, who ſhall advance the ſum or ſums contained in ſuch new orders or receipts: provided that no order or receipt to be iſſued by the vice-treaſurer or vice-treaſurers, his or their deputy or deputies, by virtue of this act ſhall be for any greater ſum than one hundred pounds.

who ſhall make out new orders at 5 l. *per cent.* to perſons who ſhall advance the money therein.

no order iſſued by treaſurer for above 100 l.

VI. And

VI. And be it further enacted by the authority aforeſaid, That all and every perſon or perſons, to whom ſuch orders or receipts for the ſaid ſums of one hundred thouſand pounds, fifty thouſand pounds, and one hundred and fifty thouſand pounds, or any part thereof, ſhall be given, his, her, or their executors or adminiſtrators, may by indorſements on ſuch orders or receipts transfer the right and benefit of the ſum due upon ſuch orders or receipts; which indorſement upon notice to the vice-treaſurer or vice-treaſurers, his, or their deputy or deputies, and entry or memorial thereof made in the ſaid vice-treaſurer's office (which the ſaid vice-treaſurer or vice-treaſurers, his or their deputy or deputies, ſhall upon requeſt without charge, fee, or reward, make accordingly, and ſhall on requeſt permit the ſame to be viewed at the uſual office-hours without fee or reward) ſhall intitle the indorſee or aſſignee, his or her executors, adminiſtrators, and aſſigns, to the ſole benefit of the ſum ſo transferred or aſſigned; and that the ſaid order or receipt may in like manner be aſſigned or transferred by ſuch aſſignee, his or her executors or adminiſtrators, and ſo *toties quoties*; and that after ſuch aſſignment it ſhall not be in the power of the perſon or perſons, who made ſuch aſſignment, to make void, releaſe, or diſcharge the ſaid aſſignment, or the ſum thereby transferred or aſſigned, or any part thereof.

ſuch orders aſſignable by indorſement,

VII. And be it further enacted by the authority aforeſaid, That the vice-treaſurer or vice-treaſurers, his or their deputy or deputies, ſhall arithmetically number all the orders or receipts, which he or they ſhall give and deliver out in purſuance of this act, as they ſhall be delivered out, commencing by number one, and ſo continuing the numbers till the whole be arithmetically numbered as aforeſaid.

Orders delivered ſhall be numbered.

VIII. And to the end and intent that the intereſt of the ſaid ſeveral ſums of one hundred thouſand pounds, fifty thouſand pounds, and one hundred and fifty thouſand pounds, making in the whole the ſum of three hundred thouſand pounds, according to the rate of five pounds *per cent. per annum*, may be duly and regularly paid half-yearly according to the true intent and meaning of this act: be it enacted by the authority aforeſaid, That from and after the twenty fifth day of December, which ſhall be in this preſent year of our Lord one thouſand ſeven hundred and thirty one, there ſhall be throughout this your Majeſty's kingdom of Ireland, raiſed, levied, collected, and paid to your Majeſty, until the twenty fifth day of December one thouſand ſeven hundred and thirty three incluſive, and no longer, over and above the rates and duties already payable for the ſame, and over and above the ſeveral additional duties granted and continued to your Majeſty this preſent ſeſſion of Parliament by an act intituled, *An act for granting and continuing to his Majeſty, an additional duty on beer, ale, ſtrong waters, wine, tobacco, and other goods and merchandizes therein mentioned*, the ſeveral further new additional rates and duties herein after mentioned: (that is to ſay) one pound thirteen ſhillings *per* tun for and upon all ſorts of wines of the growth of Portugal; and three pounds *per* tun for and upon all other ſorts of wines that ſhall be imported into this kingdom from the ſaid twenty fifth day of December one thouſand ſeven hundred and thirty one to the twenty fifth day of December one thouſand ſeven hundred and thirty three incluſive, and ſo proportionably for a greater or leſſer quantity; and alſo the ſum of two ſhillings and ſix pence *per* pound weight for and upon all manufactures made of ſilk, except the manufactures of Great-Britain, China, Perſia, or the Eaſt-Indies, that ſhall be imported into this kingdom during the time aforeſaid; and alſo one half-penny *per* pound weight for and upon all hopps that ſhall be imported into this kingdom during the time aforeſaid; and alſo five pounds *per cent.* for and upon all China, earthen, japaned, or laquered ware that ſhall be imported into this kingdom during the time aforeſaid, as valued or rated for cuſtom by the book of rates annexed to an act made in the fourteenth year of the reign of King Charles the ſecond in this kingdom, intituled, *An act for ſettling the ſubſidy of poundage, and granting a ſubſidy of tunnage and other*

For payment of the intereſt of ſaid 300,000 l.

further additional duties from 25 Dec. 1731 to 25 Dec. 1733,

On wines of Portugal 1 l. 13 s. *per* tun:

other wines 3 l.

2 s. 6 d. *per* pound on ſilk manufactures, except of Great-Britain, *&c.*

one half-penny *per* pound on hops;

5 l. *per cent.* on earthen or japanned ware as valued by book of rates 14 & 15 C. 2. 9.

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other ſums of money unto his royal Majeſty, his heirs and ſucceſſors, the ſame to be paid upon merchandizes imported and exported into or out of the kingdom of Ireland, according to a book of rates hereunto annexed, and alſo twenty ſhillings *per* tun for and upon all ſorts of vinegar that ſhall be imported into this kingdom during the time aforeſaid, and ſo proportionably for a greater or leſſer quantity.

20 *s. per* tun on vinegar

IX. Provided always, and be it enacted by the authority aforeſaid, That if any of the ſaid goods and merchandizes, on which the ſaid additional duties are charged, ſhall after payment thereof, or ſecurity given for the ſame, be again exported by any merchant or merchants that is or are a ſubject or ſubjects of this realm, or any other his Majeſty's dominions within twelve months, or by merchants ſtrangers within nine months after the importation thereof, and due proof firſt made by certificate from the proper officers of due entry of the goods and merchandizes hereby charged with the ſaid duties, and of the payment of the additional duties hereby granted and charged thereon, or ſecurity having been given for the ſame; and that all other requiſites ſhall have been performed, which are by law required to be performed in caſes, where the duties of exciſe are to be repaid, by virtue of an act made in this kingdom in the fourteenth year of the reign of King Charles the ſecond, intituled, *An act for the ſettling of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*, that then the ſaid additional duties ſhall without any delay be repaid or allowed unto ſuch merchant or merchants ſo exporting the ſame within one month after demand thereof, or the ſecurity for the ſaid additional duties by this act charged ſhall be vacated or diſcharged, as to ſo much as ſhall be ſo exported; any thing in this act contained to the contrary notwithſtanding.

If after payment or ſecurity, the goods re-exported by ſubjects in 12 months, ſtrangers in 9, on certificate of entry, payment, *&c.* ſaid additional duty repaid in a month after demand, or ſecurity diſcharged. *altered* 7 *G.* 2. 2.

1 *G.* 3. 5.

X. And be it further enacted by the authority aforeſaid, That all and every the ſeveral and reſpective additional duties hereby granted ſhall be raiſed, anſwered, collected, and paid unto your Majeſty, your heirs and ſucceſſors, during the time aforeſaid, at the ſame time, in like manner, and by ſuch ways, means, and methods, and by ſuch rules and directions, and under ſuch penalties and forfeitures, and with ſuch powers, as are appointed, directed, and expreſſed, in and by the ſaid act made in this kingdom in the fourteenth year of King Charles the ſecond, intituled, *An act for the ſettling of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*, or by any other law now in force relating to the revenue or exciſe in this kingdom, as fully and effectually to all intents and purpoſes as if the ſame were particularly mentioned, expreſſed, and enacted again in the body of this preſent act, with like remedy of appeal to and for the party grieved as in and by the ſaid act of exciſe, or any other law now in force relating to the duties of exciſe is provided.

All ſaid additional duties hereby granted, ſhall be collected as by 14 & 15 *C.* 2. 8. *&c.*

XI. And be it further enacted by the authority aforeſaid, That all and every perſon and perſons, who ſhall have upon the twenty fifth day of December one thouſand ſeven hundred and thirty one, or who ſhall have at any time between the ſaid twenty fifth day of December one thouſand ſeven hundred and thirty one and the twenty fifth day of December one thouſand ſeven hundred and thirty three incluſive, any ſalary, profits of employments, fees, or penſions, in this kingdom, ſhall pay unto your Majeſty the full ſum of four ſhillings *ſterling* out of every twenty ſhillings a year, which he, ſhe, or they, do or ſhall receive, or be intitled unto, by reaſon of ſuch ſalaries, profits of employments, fees, or penſions, over and above the charges and expences of executing the ſaid employments, unleſs ſuch perſon or perſons do and ſhall live and actually reſide within this kingdom for and during the ſpace of ſix calendar months at leaſt in each of the ſaid years; which ſaid tax or duty of four ſhillings *ſterling* out of every twenty ſhillings a year as aforeſaid out of ſuch reſpective ſalaries and penſions ſhall be ſtopped and deducted yearly, during the time and term aforeſaid, by the vice-treaſurer, pay-maſter, and receiver-general of your Majeſty's revenue, or by ſuch perſon or perſons who pay the ſame; and which ſaid profits and fees ſhall be ſtopped by the

4 *s. per l.* during ſaid time on ſalaries and penſions of abſentees 6 months each year,

the reſpective deputy and deputies of ſuch perſon or perſons ſo abſent as aforeſaid, and paid by them to the ſaid vice-treaſurer or vice-treaſurers, his or their deputy or deputies, to be accounted for to your Majeſty; and that ſuch deputy or deputies ſhall within one calendar month after ſuch tax ſhall become due, give in upon oath an account before the lord chief baron, or any of the barons of the Exchequer, or any two juſtices of the peace, of the neat profits of ſuch employment or employments, for which ſuch deputy or deputies are or ſhall be accountable to their principals; whch account ſuch perſon or perſons, to whom the ſame ſhall be given upon oath as aforeſaid, ſhall forthwith ſend to the ſaid vice-treaſurer or vice-treaſurers, his or their deputy or deputies; and in caſe ſuch deputy or deputies ſhall omit or neglect to give in upon oath ſuch account within the time herein before for that purpoſe appointed, ſuch deputy or deputies neglecting or omitting the ſame from the time of ſuch omiſſion or neglect ſhall be incapable of exerciſing or holding ſuch deputation.

abſentee's deputy ſhall in a month after the tax due give account on oath before a baron or two juſtices, of the neat profits,

to be ſent to vice-treaſurer,

deputy neglecting incapable.

XII. Provided always, and be it further enacted and declared by the authority aforeſaid, That this act ſhall not extend to charge the ſaid tax or duty of four ſhillings *ſterling* a year on every twenty ſhillings as aforeſaid upon the ſalary, penſion, fees, or profits of employments, payable to the lord lieutenant, or other chief governor or governors of this kingdom for the time being, his or their ſecretary or ſecretaries; nor to ſuch perſon or perſons who ſhall within one month after ſuch tax ſhall become payable be exempted from the payment thereof by his Majeſty's ſign manual produced for that purpoſe, and lodged with the vice-treaſurer or vice-treaſurers of this kingdom, or his or their deputy or deputies, within one month after the ſaid tax ſhall become due; nor to the officers of ſuch regiments as now are or hereafter ſhall be commanded abroad on his Majeſty's ſervice; nor to the half pay officers on the eſtabliſhment of this kingdom; nor to the widows of officers; nor to any officer under the degree of a field-officer.

Not to extend to tax chief governor or his ſecretary;

nor perſons exempted by ſign manual in a month after due.

Officers on ſervice abroad:

half-pay, or widows of, officers:

or under a field officer.

XIII. And be it further enacted by the authority aforeſaid, That neither the ſix pence *per* pound nor any other fees ſhall be payable to, or be deducted or received by, the vice-treaſurer, receiver, or paymaſter-general, or any other officer or officers of this kingdom, for, or on account of, or out of the aids hereby granted to your Majeſty, or of any payment to be made thereout in purſuance of this act.

No fees payable to vice-treaſurer or other officers on account of aids hereby granted.

XIV. And be it further enacted by the authority aforeſaid, That the ſurplus of the duties and aids, granted by the ſaid firſt herein before recited act, over and above the payment of the intereſt of the ſaid ſum of two hundred thouſand pounds be applied by the vice-treaſurer or vice-treaſurers, his or their deputy or deputies, towards the diſcharge of the ſaid ſum of three hundred thouſand pounds in ſuch manner as the ſurplus ariſing by the aids and duties hereby granted is hereafter directed and appointed.

XV. And be it further enacted by the authority aforeſaid, That the ſeveral duties and aids, and the ſaid tax of four ſhillings in the pound, hereby granted to your Majeſty, ſhall in the firſt place be applied and paid by the vice-treaſurer or vice-treaſurers, his or their deputy or deputies, to the diſcharge of the intereſt of the ſaid ſum of three hundred thouſand pounds; and that all the ſurplus of the ſaid aids and duties hereby granted to your Majeſty, over and above what ſhall be ſufficient to diſcharge the ſaid intereſt of the ſaid ſum of three hundred thouſand pounds, ſhall be applied towards the diſcharge of the ſaid principal ſum of three hundred thouſand pounds in manner hereafter mentioned: *(viz.)* That when and as often as ſuch ſurplus received by the vice-treaſurer or vice-treaſurers, his or their deputy or deputies, ſhall amount to the ſum of five thouſand pounds, that then the vice-treaſurer or vice-treaſurers, his or their deputy or deputies, ſhall cauſe the numbers of all the receipts or orders, which ſhall be iſſued and delivered out in purſuance of this act, and the ſum therein contained, to be written on ſeveral tickets or pieces of parchment, and to be rolled and ſewed up and put into a box or urn, and well mixed together, and an indifferent perſon ſhall publickly between the hours of ten and twelve in the forenoon of a day, to be by the ſaid vice-

Said duties firſt applied to diſcharge the intereſt of the 300,000 *l.*

then the principal.

When the ſurplus amounts to 5000 *l.* vice-treaſurer ſhall mix the numbers of all the orders in an urn,

to be drawn publickly by an indifferent perſon on a day advertiſed 20 days before,

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vice-treaſurer or vice-treaſurers, his or their deputy or deputies, publickly advertized in the Dublin-Gazette for that purpoſe at leaſt twenty days before, at the office of the vice-treaſurer or vice-treaſurers draw out of ſuch box or urn as many of the ſaid tickets or pieces of parchment as the ſums therein contained ſhall amount to the ſaid ſum of five thouſand pounds; and the perſon or perſons, the number of whoſe order or receipt ſhall be ſo drawn, his or their executors, adminiſtrators, or aſſigns, ſhall within twenty days after the ſaid tickets or pieces of parchment ſhall be drawn be paid by the ſaid vice-treaſurer or vice-treaſurers, his or their deputy or deputies, the principal ſums to him or them reſpectively due with intereſt for the ſame, at the rate of five pounds *per cent. per annum* till paid, and ſhall upon payment thereof deliver up his and their ſeveral and reſpective orders and receipts to the ſaid vice-treaſurer or vice-treaſurers, his or their deputy or deputies, to be cancelled, which he or they are hereby required to cancel accordingly, and the intereſt payable by virtue of ſuch orders or receipts ſhall ceaſe from the expiration of twenty days, to be accounted from the day of drawing the ſaid tickets or pieces of parchment.

to amount of 500000*l.*

the perſons whoſe numbers drawn ſhall be paid in 20 days after, and deliver up their orders to be cancelled.

XVI. And be it further enacted by the authority aforeſaid, That if any part of the ſaid principal ſum of three hundred thouſand pounds ſhall be due and unpaid on the twenty fifth day of December, which ſhall be in the year of our Lord one thouſand ſeven hundred and thirty three, the ſame ſhall be well and truly ſatisfied and paid unto the ſeveral and reſpective perſons, their executors, adminiſtrators, and aſſigns reſpectively, to whom the ſame ſhall be then due, together with ſuch intereſt for the ſame as ſhall be then due at the rate of five pounds *per cent. per annum*, without any deduction, defalcation, or abatement whatſoever.

If any part of the 300,000 *l.* unpaid on 25 Dec. 1733, it ſhall be paid, with intereſt at 5 *l. per cent.* without any deduction.

XVII. And be it further enacted by the authority aforeſaid, That from and after the ſaid twenty fifth day of December one thouſand ſeven hundred and thirty one a ſeparate and diſtinct account ſhall be kept by the proper officers of the aids, duties, and taxes granted by this act, or any other act of Parliament now in force in this kingdom, and appropriated to particular uſes, and that the commiſſioners of his majeſty's revenue in their abſtracts ſhall return an account of the ſeveral duties and taxes ſo appropriated; and that every collector or receiver of the ſaid duties and taxes do take a ſeparate receipt for the ſame when paid into his Majeſty's treaſury; which ſaid receipt the vice-treaſurer or vice-treaſurers, his, or their deputy or deputies, is and are hereby required to give accordingly.

Separate account of duties granted by this act, or any other in force, and appropriated to particular uſes.

The commiſſioners ſhall return an account in their abſtracts, and collectors take ſeparate receits from vice-treaſurer.

CHAP. III.

An act for the better ſecuring and collecting his Majeſty's revenue.

WHEREAS ſeveral frauds and abuſes have been committed to the great diminution of his Majeſty's revenue, and the officers appointed for the collection thereof, have been greatly diſcouraged by unreaſonable and unneceſſary proſecutions carried on by litigious and evil diſpoſed perſons: for remedy whereof, and to the intent that the officers of his Majeſty's revenue may not be put to great charges, and be thereby diſcouraged from the execution of their reſpective offices by vexatious ſuits, that may be proſecuted againſt them by evil and litigious perſons; be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any ſuit ſhall be brought or commenced from and after the twenty fifth day of March, which will be in the year of our Lord one thouſand ſeven hundred and thirty two, againſt any officer or officers of his Majeſty's revenue in this kingdom, or any other perſon or perſons that ſhall aid and aſſiſt ſuch officer or officers, for and concerning any matter or thing by him, them, or any of them, done by virtue of and in execution of his or their office or offices; ſuch officer or officers, his or their aiders and aſſiſtants

To prevent diminution of the revenue, and diſcouragement of officers by vexatious ſuits,

Officers, &c. ſued for acting may plead general iſſue and give the matter in evidence,

ſiſtants may plead the general iſſue not guilty, and upon iſſue joyned may give the ſpecial matter in evidence to the jury, who ſhall try the ſame.

II. Provided always, That ſuch officer or officers, his or their attorney or attorneys, ſhall at leaſt fourteen days before ſuch tryal, in caſe ſuch officer or officers ſhall on ſuch tryal give any record or records in evidence, give notice in writing to the plaintiff or his attorney what record or records, he or they intend to give in evidence on ſuch tryal.

but muſt give 14 days notice before trial of records intended to be given in evidence.

III. And to prevent the great expence and trouble which the officers of his Majeſty's revenue may be at in proving the commiſſions, under which they act; be it therefore enacted by the authority aforeſaid, That ſuch officer or officers may give in evidence an atteſted copy of the entry in any of the books of the commiſſioners of his Majeſty's revenue, or of the entry in the collectors books of that diſtrict, where he or they acted as an officer or officers, to prove that he or they was or were an officer or officers of his Majeſty's revenue; which atteſted copy, being duly proved, ſhall be and is hereby allowed and deemed to be ſufficient evidence in all courts of record in this kingdom of his or their being a legal officer or officers, or of his or their having authority to act as an officer or officers of his Majeſty's revenue, without producing the original commiſſion by which he or they were appointed and conſtituted.

7 *G.* 2. 3. *altered.*

May give in evidence atteſted copy of entry in commiſſioner's or collector's books of their being officers, without producing original commiſſion.

7 *G.* 2. 3. *on indictment, &c.*

IV. And whereas in and by an act made in the fourteenth year of the reign of his Majeſty King Charles the ſecond, intituled, *An act for the ſettling of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*, it is enacted amongſt other things, "That "the commiſſioners, ſub-commiſſioners, or collectors of exciſe reſpectively, "within the limits of their ſeveral diſtricts, or the major part of them, or others "authorized under the hands and ſeals of the commiſſioners, not intereſted therein, "or the major part of them, upon any complaint or information ſhall proceed to "the examination of the matter of fact by ſummoning witneſſes and parties to ap-"pear before them, and to give judgment and ſentence accordingly, as in and by "the ſaid act is appointed; and afterwards to iſſue a warrant of diſtreſs for le-"vying any forfeiture, fine, or penalty, by diſtreſs and ſale of the parties goods "and chattels, againſt whom judgment ſhall be given, and for want of ſufficient "diſtreſs, to commit the offender to priſon:" and whereas a doubt hath been made, whether the ſaid commiſſioners, ſub-commiſſioners, collectors, or others authorized as aforeſaid, can ſummon any perſon to be a witneſs, who doth not reſide in the diſtrict, where ſuch complaint or information is exhibited, and whether any warrant of Diſtreſs or for impriſoning the offender, where no ſufficient diſtreſs can be had, may be executed out of the limits of ſuch particular diſtrict: be it therefore declared and enacted by the authority aforeſaid, That upon information filed before the ſaid commiſſioners, ſub-commiſſioners, collectors, or others authorized as aforeſaid in the proper diſtrict, witneſſes and parties reſiding in any other different diſtrict of this kingdom may be ſummoned to appear before them in the ſame manner, as if the perſon or perſons was or were reſident and found within the particular diſtrict where ſuch information was exhibited, and under the ſame reſtrictions and regulations as in and by the ſaid recited act is appointed; and alſo that the warrant of diſtreſs and impriſonment where no ſufficient diſtreſs can be had, that ſhall be iſſued by the commiſſioners, ſub-commiſſioners, or others purſuant to the ſaid act, may and ſhall be executed reſpectively upon the goods and chattles, or on the perſon, of ſuch offender in any part or place of this kingdom, in the ſame manner as ſuch warrants might have been executed in the particular diſtrict, where the information was exhibited and judgment given.

14 & 15 *C.* 2. 8. *Sec.* 51.

Doubts thereupon.

On information before commiſſioners, *&c.* witneſſes and parties in a different diſtrict may be ſummoned under ſame regulations as by ſaid act;

and warrants of diſtreſs and impriſonment executed in any place, as well as the particular diſtrict.

V. Provided always, That no ſummons ſhall iſſue till it ſhall firſt appear by the affidavit of ſome perſon to be made before one of the commiſſioners, or ſub-commiſſioners of the diſtrict, where ſuch information is filed, and who ſhall not be intereſted in ſuch information, that he is adviſed and verily believes, that the perſon to be ſummoned is a material witneſs on the ſaid information; and that every commiſſioner, or ſub-commiſſioner, who ſhall iſſue ſuch ſummons without ſuch affida-

But no ſummons till affidavit that the perſon is a material witneſs;

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vit previouſly made, ſhall forfeit the ſum of twenty pounds, to be recovered by action of debt in any of his Majeſty's courts of record by the perſon, who ſhall be ſo ſummoned; and in caſe any perſon or perſons, who ſhall be duly ſummoned by virtue of this act to be a witneſs as aforeſaid, ſhall neglect or refuſe to appear, or appearing ſhall refuſe to give his, her, or their teſtimony concerning the matter in queſtion, every ſuch perſon for ſuch neglect or refuſal ſhall forfeit the ſum of twenty pounds *ſterling*.

Penalty 20 *l.* on perſon ſummoned refuſing to appear or give teſtimony.

VI. And to the intent that all informations and complaints exhibited before the ſub-commiſſioners, collector or collectors of the exciſe and other duties, authorized purſuant to the ſaid act herein before mentioned, may be impartially determined by diſintereſted perſons; be it enacted by the authority aforeſaid, That from and after the twenty fifth day of March, which ſhall be in the year of our Lord one thouſand ſeven hundred and thirty two, the ſaid ſub-commiſſioners, collectors of exciſe, and other perſons that may be authorized and appointed by virtue of the ſaid act to hear and determine the ſaid matter of complaint mentioned in ſuch information, and every of them, ſhall, if thereto required by the party or parties againſt whom ſuch information is made, take an oath that he is not intereſted or concerned directly or indirectly in the matter or complaint then depending before them, and that he is not to gain or loſe thereby on any account whatſoever; which oath the clerk or regiſter of the ſeizures and forfeitures in the particular diſtrict is hereby authorized and required to adminiſter; and if ſuch ſub-commiſſioner or ſub-commiſſioners, collector or collectors of the exciſe, or any other perſon or perſons to be appointed as in and by the ſaid act is directed, ſhall refuſe to take the ſaid oath as aforeſaid, ſuch ſub-commiſſioner or ſub-commiſſioners, collector or collectors, or ſuch perſon or perſons as may be ſo authorized, is and are by this preſent act diſqualified and rendered incapable to hear, determine, or give judgment upon the matter then depending before them and contained in ſuch information, and all proceedings to be had before them after ſuch refuſal ſhall be null and void.

Sub-commiſſioners, *&c.* before whom information, ſhall if required take oath of not being intereſted,

on refuſal, diſqualified:

and the proceedings void.

VII. And whereas ſeveral maſters of ſhips arriving from foreign parts in this kingdom very often in their report to the officer of his Majeſty's revenue appointed for that pupoſe diſguiſe and conceal the real name both of the ſhip by him or them navigated, and alſo his or their own name or names, and likewiſe the place or port to which they are bound: be it therefore enacted by the authority aforeſaid, That from and after the twenty fifth day of March in the year of our Lord one thouſand ſeven hundred and thirty two every maſter of any ſhip or veſſel arriving in any port-town of this kingdom ſhall declare, when required by any of the officers of his Majeſty's revenue employed in ſuch port or town, his own real name, and alſo the true name of the ſhip, and diſcover the true place or port to which they are bound, upon pain of forfeiting one hundred pounds, to be recovered as is herein after directed.

Maſters of ſhips on arrival ſhall on requeſt by an officer declare his and the ſhips name, and whether bound. 33 *G.* 2. 10.

Penalty 100 *l.*

VIII. Provided always, That the maſter of ſuch ſhip notwithſtanding ſuch declaration ſhall have twenty eight days to envoyce his ſhip, or to go to any other port, as if this act had never been made.

but ſhall have 28 days to invoice or go to another port. 33 *G.* 2. 10.

IX. And to prevent frauds committed by not ſending permits with exciſeable goods conveyed into the inland parts of this kingdom; be it enacted by the authority aforeſaid, That from and after the twenty fifth day of March in the year of our Lord one thouſand ſeven hundred and thirty two all wines in hogſheads, brandy, and other foreign ſpirits in veſſels containing more than four gallons, tobacco above the weight of four pounds, ſilks in whole pieces, and Indian goods imported into this kingdom, other than and except ſpiceries of all ſorts, and except tea not exceeding the weight of two pounds, that ſhall be carried or conveyed into the inland parts thereof, ſhall be liable to be ſeized by any of the officers of his Majeſty's revenue, and ſhall be deemed and taken to be run-goods and forfeited as ſuch, unleſs the carrier, or perſon that conveys the ſame, ſhall actually produce

Exciſeable goods carried to inland parts may be ſeized if permit not produced, on demand by the officer;

produce a permit or let-paſs given by the proper officer of the revenue for the carriage of the ſaid goods, if demanded or required ſo to do by the ſaid officer.

but on oath of loſs thereof, and that it was not taken or uſed to protect other goods, the entry or an attested copy evidence.

X. Provided always, That on oath made by the carrier of the loſs of ſuch permit, and by the merchant, before the commiſſioners or ſub-commiſſioners in their reſpective diſtricts, that ſuch permit was not taken out or made uſe of to his knowledge or belief to cover or protect any other goods, but was taken out for thoſe particular goods ſo ſeized, that in ſuch caſe the entry of ſuch permit in the books of the proper officer, or a copy thereof duly atteſted, ſhall be evidence of ſuch permit, as if the ſaid permit had been produced at the time of ſuch ſeizure.

Fee for permit, for tobacco under 100 wt. or goods under 5 l. value 1 d. above that 3 d.

XI. And be it enacted by the authority aforeſaid, That no collector or other officer whatſoever in his Majeſty's revenue, ſhall demand, receive, or take any other fee or reward for any permit for tobacco or other goods, other than the ſeveral fees and rates herein after mentioned: (that is to ſay) for any permit of any quantity of tobacco under one hundred pounds weight, or other goods under the value of five pounds, one penny and no more; and for every permit for any quantity of tobacco of one hundred pounds weight and upwards, and other goods of the value of five pounds and upwards, three pence and no more; and that the proper officer appointed for the iſſuing ſuch permits ſhall attend every day at the uſual cuſtom-houſe hours, Sundays, Chriſtmas-day, and Good-friday only excepted.

Permit-officer to attend daily, except, &c.

Duties and forfeitures from licences to ſell ale, *&c.* ſhall be paid to officers appointed under hand and ſeal of 3 commiſſioners; who on default may by day with a conſtable levy by diſtreſs, as hearth-money by 17 *G.* 2. 18. 7 *G.* 2. 3. *altered.*

XII. And for the better recovery of his Majeſty's revenue ariſing by licences for ſelling of ale, wine, and ſtrong waters, and alſo for eaſing the ſubject of tedious and expenſive proſecutions; be it further enacted by the authority aforeſaid, That from and after the twenty fifth day of March in the year of our Lord one thouſand ſeven hundred and thirty two the ſeveral duties and forfeitures ariſing from ſuch licences reſpectively ſhall from time to time be paid to ſuch officer or officers, as ſhall be appointed to receive the ſame under the hands and ſeals of the chief commiſſioners of exciſe, or any three or more of them; and that in caſe of refuſal or default of ſuch payment after a demand made the ſaid officer or officers, ſo appointed as aforeſaid, may at any time with the aſſiſtance of a conſtable in the day time levy the ſaid duties and forfeitures for ſelling without ſuch licence, and all the arrears thereof, by diſtreſs and ſale of the parties goods, in ſuch manner and by ſuch means as the revenue ariſing by hearth-money is appointed to be levied and collected in and by an act made in the ſeventeenth year of King Charles the ſecond, intituled, *An additional act for the better ordering and collecting the revenue ariſing by hearth-money.*

33 *G.* 2. 10. Stills fixed in mountainous remote parts to avoid exciſe: ſtrong waters ſhall not be diſtilled for ſale, but in a houſe in, or within 2 miles from, a market-town; on pain of 40 l. 11 *G.* 2. 3. *altered.*

XIII. And whereas diſtillers of *aqua vitæ* and other ſtrong waters for ſale, frequently fix their ſtills, alimbecks, and black-pots in the mountainous parts of this kingdom, remote from any market town, with an intent to avoid the payment of the exciſe payable thereout to his Majeſty: for remedy whereof be it enacted by the authority aforeſaid, That from and after the twenty fifth day of March one thouſand ſeven hundred and thirty two no perſon or perſons ſhall diſtil for ſale any ſpirits, *aqua vitæ*, or other ſtrong waters within this kingdom, but in ſtills, black-pots or alimbecks fixed in ſome houſe or tenement within ſome market-town, or within two miles thereof, under pain of forfeiting for every ſuch offence the ſum of forty pounds, to be recovered in manner herein after mentioned.

but any one for his private uſe may uſe a ſtill of 12 gallons in his place of abode: if larger, deemed common diſtiller, and to pay duty.

XIV. Provided always, That any perſon or perſons, who ſhall diſtil ſpirits, *aqua vitæ*, or ſtrong waters for his or their own uſe only, and not for ſale, ſhall and may keep and make uſe of any ſtill, black-pots, or alimbecks, which ſhall hold or contain no greater or larger quantity of waſh or pot-ale than twelve gallons, in their reſpective places of abode; and if any ſtill ſhall be found in the poſſeſſion of ſuch private diſtiller containing any larger quantity of waſh or pot-ale than as aforeſaid, that then and in ſuch caſe every ſuch perſon or perſons ſhall be deemed a common diſtiller for ſale, and ſhall be liable to pay the duties thereout payable to his Majeſty.

XV. And

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To prevent running of foreign ſpirits and tobacco, officers may by day enter houſes, ſhops, *&c.* of retailers thereof, and take account, and make return, as of beer, ale, or ſtrong waters by common brewer, *&c.* by 14 & 15 *C.* 2. 8.

XV. And for the more effectual prevention of the running of brandy, and other foreign ſpirits, and tobacco; be it enacted by the authority aforeſaid, That from and after the twenty fifth day of March one thouſand ſeven hundred and thirty two it ſhall and may be lawful to and for any officer of his Majeſty's revenue to enter in the day-time into the ſhop, houſe, out-houſe, room, or ware-houſe of any ſhop-keeper or other perſon, that ſhall vend or ſell brandy, or other foreign ſpirits, or tobacco by retail, and take an account from time to time of all ſuch ſpirits and tobacco, as ſhall be found in his or their poſſeſſion, ſhop, houſe, out-houſe, or ware-houſe, and to make a juſt return thereof, ſigned under his or their hand or hands, in ſuch manner as accounts are directed to be taken, and returns made of beer, ale, *aquâ vitæ*, or ſtrong waters belonging to any common brewer, vintner, diſtiller, inn-keeper or alehouſe-keeper, in and by an act made in the fourteenth year of King Charles the ſecond, intituled, *An act for ſettling of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted.*

Retailers, who ſell brandy, *&c.* under a gallon; tobacco under 300 weight.

XVI. Provided that no perſon ſhall be deemed a retailer of tobacco or brandy, and other foreign ſpirits within this act, but ſuch as ſell brandy or other foreign ſpirits in quantities under one gallon, and tobacco under the quantity of three hundred pounds weight.

Penalty on refuſing entrance 50 l.

XVII. And be it further enacted by the authority aforeſaid, That if ſuch ſhop-keeper, or other perſon ſelling foreign ſpirits or tobocco by retail, ſhall refuſe or hinder any ſuch officer of his Majeſty's revenue as aforeſaid to enter into his or their ſhop, houſe, ſtore-houſe, room, out-houſe, or other places belonging to him or them, and to take an account from time to time of all ſuch ſpirits and tobacco in his or their poſſeſſion as aforeſaid, he or they ſo refuſing ſhall forfeit the ſum of fifty pounds, to be recovered and diſtributed as is herein after appointed.

All forfeitures, *&c.* (except otherwiſe appointed) recovered as by 14 & 15 *C.* 2. 8. and divided between the King and proſecutor,

XVIII. And be it enacted by the authority aforeſaid, That all the forfeitures, fines, and penalties in this preſent act before mentioned and expreſſed, except what is herein otherwiſe appointed, ſhall be ſued for, proſecuted, and recovered by the like ways, means, and methods, in ſuch manner and form, as is mentioned and expreſſed in the ſaid herein before mentioned act made in the fourteenth year of King Charles the ſecond, with like remedy of appeal for the party grieved; and all ſeizures, forfeitures, and fines mentioned in this act, neceſſary charges firſt deducted for the recovery thereof, ſhall be divided: (that is to ſay) one moiety thereof ſhall be to the uſe of his Majeſty, and the other moiety to him or them that ſhall ſue or proſecute for the ſame.

Importing exciſeable goods clandeſtinely, or aſſiſting therein, aſſaulting officers, preventing ſeizure, *&c.*

XIX. And for the more effectual prevention of tumults and riots, and the ſecurity of his Majeſty's revenue; be it further enacted by the authority aforeſaid, That from and after the twenty fifth day of March, which will be in the year of our Lord one thouſand ſeven hundred and thirty two, every perſon or perſons, that ſhall import any exciſeable goods or merchandizes into this kingdom in a clandeſtine and fraudulent manner without paying his Majeſty's cuſtoms and exciſe, and every maſter, mariner, or other perſon whatſoever, that ſhall be aiding or aſſiſting in the importation of any ſuch goods, wares, and merchandizes, or ſhall unlawfully aſſault or beat any ſuch officer or officers, or his or their aſſiſtant or aſſiſtants, in the due execution of their reſpective offices, and prevent his or their ſeizing or ſecuring, or carrying to the next office of exciſe, any exciſeable goods, wares, or merchandizes which he or they ſhall ſeize, or ſhall by force reſcue or carry away ſuch goods, wares, and merchandizs, or any part of them, then and in every ſuch caſe every perſon ſo offending, and being thereof legally convicted by the verdict of a jury of twelve men, or upon his or their confeſſion, ſhall for the firſt offence ſuffer three years impriſonment, and alſo forfeit the ſum of one hundred pounds *ſterling*, over and above the penalties to which ſuch perſon or perſons is or are already ſubject by any law now in being; and for the ſecond offence, being thereof convicted as aforeſaid, ſhall be tranſported to ſome of his Majeſty's plantations in America, there to continue for the ſpace of ſeven years.

firſt offence, years impriſonment, and 100 l. beſides penalties now in being:

ſecond offence, tranſportation 7 years,

XX. And

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XX. And be it further enacted by the authority aforeſaid, That if any perſon, who ſhall be tranſported purſuant to this act, ſhall at any time within the ſpace of ſeven years after ſuch tranſportation be found in this kingdom, not being licenſed thereunto by his Majeſty, his heirs and ſucceſſors, under his or their privy ſeal, or by the chief governor or governors of this kingdom for the time being, ſuch perſon ſhall ſuffer death as a felon without benefit of clergy, any law or ſtatute to the contrary notwithſtanding, and ſhall and may be tried in any county of this kingdom, where he ſhall be taken or apprehended.

Returning within 7 years, without licence, felony without clergy:

To be tried in any county where apprehended.

XXI. Provided always, That this act ſhall continue in force for the ſpace of two years, and from thence to the end of the then next ſeſſion of Parliament, and no longer.

Continuance 2 years, &c. *Continued by ſubſequent acts from time to time, ſo far as not altered by* 7 G. 2. 3. Repealed 33 G. 2. 10.

CHAP. IV.

An act for the further explaining and amending the ſeveral laws for preventing frauds committed by tenants; and for the more eaſy renewal of leaſes; and for the further amendment of the law in certain caſes therein mentioned.

WHEREAS ſeveral lands, tenements, and hereditaments, in divers parts of this kingdom have heretofore been demiſed and ſet for terms of lives or years determinable upon lives by leaſes, minutes, or contracts in writing, containing an actual demiſe, wherein no clauſe of re-entry hath been inſerted: and whereas a doubt hath been conceived, whether the landlord or leſſor, and thoſe claiming under him, for want of ſuch clauſe of re-entry, by the ſeveral ſtatutes now in force for preventing of frauds committed by tenants, can bring an ejectment for the recovery of ſuch lands, ſo demiſed, although more than a year's rent is in arrear; and unleſs explained may prove highly prejudicial to many landlords and leſſors, and thoſe claiming under them: for remedy whereof be it declared and enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That where one whole year's rent or more is or ſhall be due and in arrear to any landlord or leſſor for any lands, tenements, or hereditaments ſo held, or hereafter to be held, by any ſuch leaſe, minute, or contract in writing, ſuch landlord or leſſor, or thoſe lawfully claiming by, from, or under him, her, or them, may bring his, her, or their ejectment, and recover the poſſeſſion of ſuch lands, tenements, and hereditaments ſo demiſed, in ſuch and the ſame manner to all intents and purpoſes, as if a clauſe of re-entry had been expreſly ſpecified and contained in ſuch leaſe, minute, or contract in writing, and not otherwiſe; any thing in the ſaid acts to the contrary notwithſtanding.

Doubt whether leſſor, where no clauſe of re-entry, can bring ejectment, tho' above a year's rent due:

where a years rent due, leſſor may bring ejectment, as if there was clauſe of re-entry. *and* 25 G. 2. 13. *as if containing actual demiſe.*

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II. And whereas it hath been doubted, whether after judgment hath been had and obtained in ejectments for non-payment of rent, and execution executed thereupon, the leſſor or leſſors in ſuch ejectments againſt the leſſee of the lands, for which ſuch ejectment is brought, or his aſſignee or aſſignees, can have and maintain an action for the recovery of the arrears of rent due before the bringing ſuch ejectments, or which ſhall grow due after ſuch ejectment is brought, to the time that judgment ſhall be had, and execution executed thereupon; be it enacted by the authority aforeſaid, That every leſſor or leſſors recovering in ſuch ejectments for non-payment of rent, and obtaining judgment and execution thereupon, ſhall and may have the ſame and like remedy for all arrears to the time of ſuch execution executed, as ſuch leſſor or leſſors might have had againſt the leſſee or leſſees, his or their aſſignee or aſſignees, if no ſuch ejectment had been brought, or judgment and execution had been obtained or executed thereupon.

Leſſor having judgment and execution on ejectment for non-payment, ſhall have like remedy for arrears, as if no ejectment.

III. And whereas by the ſeveral acts, now in force for the more effectual preventing frauds committed by tenants, the leſſor upon the tryal in ejectments to be brought on the ſaid acts for non-payment of rent muſt make proof of the perfection of the counterpart of the leaſe, by which ſuch rent is reſerved, before he or they can recover in ſuch ejectment; which many times happens to be impracticable, by reaſon no counterpart was ever perfected, or, if perfected, has been loſt or ſo miſlaid, that it cannot be produced and proved upon ſuch trials, as the ſaid acts direct and require, whereby ſuch leſſors are diſabled for want of ſuch counterparts from obtaining the remedy and relief provided by the ſaid acts: for remedy whereof be it enacted by the authority aforeſaid, That from and after the firſt day of May one thouſand ſeven hundred and thirty two on any tryal in ejectment for non-payment of rent in purſuance of this or the ſaid former acts, where one year's rent or more is due and in arrear before the ſummons in ſuch ejectment, where it ſhall be neceſſary to produce the counterpart of any leaſe, minute, or contract, containing an actual demiſe, if it ſhall appear to the court, that no counterpart was perfected, or, if perfected, that ſuch counterpart is loſt or ſo miſlaid, that it cannot be produced and given in evidence upon ſuch trial, then and in ſuch caſes if the leſſor or leſſors in ſuch ejectment ſhall give in evidence the original leaſe, minute, or contract, or a copy thereof, or a copy of ſuch counterpart, and that the leſſee or leſſees therein named enjoyed the lands, tenements, or hereditaments, for which ſuch ejectment ſhall be brought, under ſuch leaſe, minute, or contract, ſuch original

Where one year's rent due before ſummons in ejectment, and it appears that no counterpart was perfected, or loſt, or miſlaid, and that leſſee enjoyed the original, or a copy thereof, or copy of a counterpart, may be given in evidence. 25 G. 2. 13.

briginal leaſe, or a copy thereof, or a copy of the counterpart, ſhall be of the ſame force and effect, as if the counterpart of ſuch leaſe, minute, or contract had been produced and proved upon ſuch tryal; any thing in the ſaid former laws to the contrary notwithſtanding.

IV. And whereas many perſons hold conſiderable eſtates by leaſes for lives or years, and leaſe out the ſame in parcels to ſeveral under-tenants: and whereas many of thoſe leaſes cannot by law be renewed without a ſurrender of all the under-leaſes derived out of the ſame, ſo that it is in the power of any ſuch under-tenants to prevent or delay the renewing the principal leaſe by refuſing to ſurrender their under-leaſes, notwithſtanding they have covenanted ſo to do, to the great prejudice of their immediate landlords the firſt leſſees: for preventing ſuch inconveniencies, and for making the renewal of leaſes more eaſy for the future, be it enacted by the authority aforeſaid, That in caſe any leaſes ſhall be duly ſurrendered in order to be renewed, and a new leaſe made and executed by the chief landlord or landlords; the ſame new leaſe ſhall without a ſurrender of all or any the under-leaſes be as good and valid to all intents and purpoſes, as if all the under-leaſes derived thereout had been likewiſe ſurrendered at or before the taking of ſuch new leaſe; and all and every perſon and perſons, in whom any eſtate for life or lives, or for years, ſhall from time to time be veſted by virtue of ſuch new leaſe, and his, her, and their executors and adminiſtrators, ſhall be intitled to the rents, covenants, and duties, and have the like remedy for recovery thereof, and the under-leſſees ſhall hold and enjoy the meſſuages, lands, and tenements, in the reſpective under-leaſes comprized, as if the original leaſes, out of which the reſpective under-leaſes are derived, had been ſtill kept on foot and continued; and the chief landlord and landlords ſhall have and be intitled to ſuch and the ſame remedy by diſtreſs or entry in and upon the meſſuages, lands, tenements, and hereditaments, comprized in any ſuch under-leaſe, for the rents and duties reſerved by ſuch new leaſe, ſo far as the ſame exceed not the rents and duties reſerved in the leaſe, out of which ſuch under-leaſe was derived, as they would have had, in caſe ſuch former leaſe had been ſtill continued, or as they would have had, in caſe the reſpective under-leaſes had been renewed under ſuch new principal leaſe; any law, cuſtom, or uſage to the contrary thereof notwithſtanding.

Leaſes may be renewed without ſurrender of under leaſes:

Leſſors ſhall have like remedy againſt under leſſees, and they ſhall enjoy, as if the original continued.

4 G. 2. 28. *ſec.* 6. *Eng.*

V. And whereas it is a common practice among tenants to replevy diſtreſſes taken for rent, and then to ſtay proceedings on ſuch replevins by injunction out of one of the courts of equity, which

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which they are greatly encouraged to by the poſſibility of their bail being diſcharged by the death of ſome of the parties at law, and before judgment can be obtained at law: be it further enacted by the authority aforeſaid, That where any ejectment is brought on the ſtatutes for the non-payment of rent, or any of them, or any diſtreſs is taken, or action brought for arrears of rent, and the tenant files a bill in any court of equity for an injunction to ſtop the proceedings at law for the recovery of ſuch rent, no injunction ſhall iſſue for want of an anſwer, unleſs the plaintiff ſhall verify by affidavit the material allegations in ſuch bill contained.

No injunction to ſtop proceedings at law for rent ſhall iſſue for want of anſwer, without affidavit verifying material allegations of the bill.

VI. And whereas by an act of Parliament paſſed in the firſt year of his preſent Majeſty's reign, intituled, *An act for continuing ſeveral temporary ſtatutes made in this kingdom now near expiring*, it is among other things enacted, "That in all ſuits, which "ſhall be commenced by Engliſh bill in the high court of "Chancery or court of Exchequer in this kingdom from and "after the twenty fifth day of March one thouſand ſeven hun-"dred and twenty eight, it ſhall and may be lawful to and for "the ſaid courts of Chancery and Exchequer reſpectively to "proceed to hear and determine all ſuch cauſes depending be-"fore them reſpectively, and to make ſuch decree and decrees "therein againſt every perſon and perſons who ſhall appear to "them to have been duly ſerved with the proceſs of the ſaid "courts, and to have ſtood out the proceſs of the ſaid courts "to a ſequeſtration, and to be only a truſtee or truſtees, and no "otherwiſe concerned in intereſt in the matter in queſtion, in "ſuch and the ſame manner as if ſuch truſtee or truſtees had "duly appeared and put in his or their anſwer:" and whereas a doubt hath ariſen, whether ſuch truſtee ſhall, when the cauſe comes to a hearing, ſuffer a conditional decree, and be ſerved therewith before any final decree can be pronounced: for explaining the ſaid doubt be it enacted and declared by the authority aforeſaid, That no conditional decree ſhall be pronounced againſt ſuch truſtee, but the court of Chancery and Exchequer reſpectively ſhall hear and determine all ſuch cauſes depending before them reſpectively, and make ſuch abſolute decree and decrees therein in ſuch and the ſame manner, as if ſuch truſtee had duly appeared on ſuch hearing.

1 G. 2. 17. Sect. 4. recited.

Doubt thereupon, whether there ſhould not be only conditional decree againſt truſtee ſtanding out proceſs:

the decree ſhall be abſolute.

VII. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall hereafter ſue forth any writ or writs of *ſcire facias*, and ſhall recover and have judgment, where plea of *nul tiel* record is pleaded, every ſuch plaintiff or plaintiffs ſo recovering judgment ſhall have and recover his and their

Plaintiff, on judgment on *ſcire facias*, where *nul tiel* record pleaded, ſhall have coſts, as if by verdict or demurrer.

their coſts of ſuit in ſuch *ſcire facias*, in the ſame manner as heretofore he, ſhe, or they, might have, in caſe ſuch recovery had been either by verdict or upon demurrer.

VIII. And whereas the law is defective in the manner of ſheriffs returning *devaſtavits* againſt executors and adminiſtrators, it frequently happening that ſheriffs without any inquiſition taken upon the oaths of twelve men, and without any knowledge of the matter, return *devaſtavits*, and take ſecurity from the plaintiffs to indempnify ſuch ſheriffs from all damages and actions on account of ſuch return: and whereas it frequently happens, that executions are directed to ſheriffs of counties of towns, and to ſheriffs of remote counties, where the defendants, who are executors or adminiſtrators, never had any aſſets or dealings, and ſuch ſheriffs are often prevailed upon to return *devaſtavits*: for remedy whereof be it enacted by the authority aforeſaid, That from and after the firſt day of May one thouſand ſeven hundred and thirty two no ſheriff or other officer ſhall return a *devaſtavit*, but upon an inquiſition taken on the oaths of twelve lawful men of the county, to whom proper challenges may be taken; and that the plaintiff or plaintiffs, his or their attorney or attorneys, or agents, ſhall give the defendant or defendants in ſuch ſuit, or their attorney or known agent, fifteen days notice of the taking ſuch inquiſition before the taking thereof, and of the time and place of taking the ſame; and that ſuch inquiſition ſhall not be taken in any county, where no evidence of a *devaſtavit* can be given, which was committed in ſuch county, unleſs in caſes where the intire *devaſtavit* committed ſhall appear to have been out of the kingdom.

No *devaſtavit* ſhall be returned but on inquiſition on oaths of 12 of the county,

defendants having 15 days notice,

the inquiſition not to be in a county where no evidence of a *devaſtavit*, unleſs intirely committed out of the kingdom.

IX. And whereas by the act of the eighth of King George the firſt, intituled, *An act for the better enabling of the clergy having cure of ſouls to reſide upon their reſpective benefices, and for the encouragement of proteſtant ſchools within this kingdom of Ireland*, all archbiſhops and biſhops may make a grant of two acres of their land, and other eccleſiaſtical perſons of one acre, for the uſe of a reſident proteſtant ſchool-maſter to teach the Engliſh tongue, and the fundamental principles of true religion: and whereas it does appear, that many popiſh children have been and are daily inſtructed in ſuch Engliſh proteſtant ſchools: for the further encourgement of the ſame, be it enacted by the authority aforeſaid, That it ſhall and may be lawful for all perſons whatſoever ſeized in fee-ſimple, fee-tail, or for life, in poſſeſſion in any lands, with immediate remainder over to his, her, or their own iſſue, by his, her, or their deeds reſpectively to grant any part of ſuch lands, not exceeding one acre plantation meaſure, of the yearly value of thirty ſhillings, and being no part of the demeſne

8 *G.* 1. 12. *Sec.* 9.

To encourage Engliſh proteſtant ſchools,

all tenants in fee, tail, or for life, in poſſeſſion, immediate remainder to their iſſue, may grant to church-wardens for ever one acre, 30*s.*

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meſne lands uſually occupied with, or reputed as demeſne to, the manſion or chief dwelling-houſe belonging to ſuch tenant in fee-ſimple, fee-tail, or for life, for the uſe of a reſident proteſtant ſchool-maſter to teach the Engliſh tongue to ſuch children of poor papiſts, and all others as will reſort to the ſame; and that the miniſter and church-wardens, and their ſucceſſors for ever, of each reſpective pariſh, where ſuch acre of land is or ſhall be ſo granted or ſet apart, ſhall be and are hereby impowered and made capable of receiving ſuch grant or grants of land, not exceeding one acre plantation meaſure, for the uſe of ſuch Engliſh reſident proteſtant ſchool-maſter to teach the Engliſh tongue, and to no other intent, uſe, or purpoſe whatſoever: provided that no ſuch grantee or leſſee ſhall be qualified to vote at the election of any member to ſerve in Parliament as a freeholder by virtue of ſuch grant or leaſe.

yearly, no part of demeſne, for reſident proteſtant ſchool-maſter to teach Engliſh.

Not to give a vote at elections.

X. And whereas many ſhopkeepers and tradeſmen on their intermarriage enter into and execute deeds, inſtruments, or articles, whereby all the goods, chattels, and effects of ſuch ſhop-keepers and tradeſmen, whereof they are poſſeſſed at the times of their deaths, are made ſubject to the payment of ſeveral ſums of money to or for the widow or children of ſuch ſhop-keeper or tradeſman, and ſuch deeds, inſtruments, or articles, being kept ſecret, many other tradeſmen, who on credit ſell goods and merchandizes to ſuch ſhopkeepers or tradeſmen to furniſh their ſhops, are often defrauded of their juſt debts, where there are not ſufficient aſſets to pay the widow or children of ſuch debtor ſuch ſum or ſums by ſuch articles, deed, or inſtrument, to be paid to or for her or them, and to ſatisfy the other debts of the deceaſed: wherefore be it enacted by the authority aforeſaid, That from and after the firſt day of May one thouſand ſeven hundred and thirty two no articles, deed, inſtrument, writing, or other ſecurity, to be made, entered into, executed, or perfected by any tradeſman or ſhop-keeper in the kingdom of Ireland, whereby all or any part of the goods, chattels, or effects, in the hands or cuſtody of any perſon who entered into, or executed the ſame, after the time of his death ſhall or may be charged, liable to, or chargeable with, the payment of any ſum or ſums of money to or in truſt for, or for the uſe, benefit, or behoof of the widow, child, or children of any ſuch perſon ſo entering into, or executing the ſame, ſhall hinder or bar any creditor or creditors of ſuch ſhop-keeper or tradeſman from recovering his, her, or their debt or debts juſtly due and owing to him, her, or them, out of the goods, chattels, or aſſets of ſuch ſhop-keeper or tradeſman after the time of his death: but all and every ſuch articles, deed, inſtrument, writing, or ſecurity, ſhall

Againſt ſecret articles by tradeſmen.

no inſtrument by tradeſman or ſhopkeeper, charging his goods after his death for his widow or children, ſhall bar his creditors, unleſs regiſtered in 4 months.

ſhall be null and void as to all and every ſuch creditor or creditors, unleſs the ſame, or a memorial thereof, be entered and regiſtred in the regiſtry-office appointed for regiſtring deeds, wills, and conveyances, purſuant to acts of Parliament in that caſe made and provided, and in ſuch manner as memorials of deeds, wills, and conveyances, are by the ſaid acts, or either of them, directed or required to be regiſtred, within the ſpace of four months next after the time of executing, entering into, or perfecting ſuch deeds, articles, inſtrument, or ſecurity, by ſuch ſhop-keeper or tradeſman.

3 G. 2. 14.

XI. And whereas an act made in the laſt ſeſſion of Parliament amongſt other things to prevent unlawful combinations of workmen, artificers, and labourers, employed in the ſeveral trades and manufactures of this kingdom, and for the better payment of their wages, has proved ineffectual: be it enacted by the authority aforeſaid, That from and after the firſt day of May, which will be in the year of our Lord one thouſand ſeven hundred and thirty two, if any undertaker or journeyman ſhall beat, ſtrike, or aſſault, any other journeyman for working for his or their employer, or ſhall be any way aiding or aſſiſting therein; or if any undertaker or journeyman ſhall aſſault his maſter or employer, for employing whatſoever perſons he ſhall judge proper in his work and ſervice, each and every perſon ſo offending contrary to the tenor and intent of this act, being thereof upon complaint of the party or parties aggrieved lawfully convicted upon the oath or oaths of one or more credible witneſs or witneſſes before any two or more juſtices of the peace for the county, city, town, or place, where ſuch offence ſhall be committed, within three months after the offence committed (which oath the ſaid juſtices are hereby impowered and required to adminiſter) ſhall for every ſuch offence forfeit and pay the ſum of forty ſhillings; one half thereof to be given to the perſon or perſons aggrieved, and the other half to the poor of the pariſh where ſuch offence ſhall be committed: and for default of payment thereof ſuch offender or offenders ſhall be committed to the common goal of the county, city, town, or place, where ſuch offence ſhall be committed, there to remain without bail or mainprize for any term not exceeding three months.

If undertaker or journeyman aſſaults another for working, or his maſter for employing perſons,

penalty, 40 s. on conviction in 3 months, before 2 juſtices.

To the poor and party:

or impriſoned, not above three months.

CHAP.

CHAP. V.

An act for allowing further time to perſons in offices to qualify themſelves purſuant to an act, intituled, *An act to prevent the further growth of popery.*

WHEREAS ſeveral perſons, well affected to his Majeſty's government and the church of Ireland as by law eſtabliſhed, have through ignorance neglected, or have been prevented by ſickneſs or other accidental cauſes, to take and ſubſcribe the oaths, and to make and ſubſcribe the declaration, and to receive the ſacrament of the Lord's Supper, according to the directions of an act made in this kingdom in the ſecond year of the reign of her late Majeſty Queen Anne, intituled, *An act to prevent the further growth of popery*, and by their inadvertency may have incurred great penalties and forfeitures: be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame,

Perſons, who have incurred penalties by not qualifying purſuant to 2 *Anne*. 6. indemnified:

That all and every perſon or perſons, who have incurred any penalties and incapacities in the ſaid act, intituled, *An act to prevent the further growth of popery*, mentioned, by neglecting to qualifie themſelves according to the ſaid act, ſhall be and are hereby indemnified, freed, and diſcharged of and from all incapacities, diſabilities, forfeitures, and penalties incurred by reaſon of ſuch omiſſion or neglect as aforeſaid; and that no act or acts done by them or any of them, or by authority derived from them or any of them, and not yet avoided, ſhall be queſtioned or avoided by reaſon of ſuch neglect or omiſſion: but all ſuch acts ſhall be and are hereby declared and enacted to be as good and effectual, as if all and every ſuch perſon and perſons had taken and ſubſcribed the ſaid oaths, and received the ſaid ſacrament, and made and ſubſcribed the ſaid declaration in manner as aforeſaid; any thing in the ſaid act to the contrary notwithſtanding: nevertheleſs ſo as ſuch perſon or perſons do and ſhall take and ſubſcribe the ſaid oaths, and receive the ſaid ſacrament, and make, repeat, and ſubſcribe the ſaid declaration, in ſuch manner and form, and in ſuch place and places, as are directed and appointed by the ſaid act, *to prevent the further growth of popery*, on or before the firſt day of Auguſt, which will be in the year of our Lord one thouſand ſeven hundred and thirty two.

their acts valid:

ſo as they take the oaths, *&c.* by the 1 Auguſt 1732.

II. Provided, That this act, or any thing herein contained, ſhall not extend to reſtore or intitle any perſon or perſons to any office or imployment already actually avoided by judgment of any of his Majeſty's courts of record, or filled up by any other perſon: but that ſuch office or imployment ſhall be and remain in the perſon or perſons, who is or are now intitled by law to the ſame, as if this act had never been made.

Not to reſtore to offices already avoided or filled.

A. D. 1731.

CHAP. VI.

An act for continuing ſeveral temporary ſtatutes made in this kingdom, and now near expiring, and for the amendment of the ſtatutes therein mentioned.

WHEREAS an act paſſed in the eighth year of his late Majeſty's reign, intituled, *An act for the further amendment of the laws in relation to butter and tallow caſks, hides, and other commodities of this kingdom, and for preventing the deſtruction of ſalmon*; which ſaid act was continued and amended by an act made in the tenth year of his ſaid late Majeſty's reign, intituled, *An act for continuing and amending of the laws in relation to butter and tallow, and the caſks in which ſuch goods are to be made up, and in relation to the curing of hides, and making up of beef and pork for exportation, and for the preventing the deſtruction of ſalmon*; which ſaid act was explained and amended by another act made in the twelfth year of his ſaid late Majeſty's reign, intituled, *An act for explaining and amending an act*, intituled, *An act for continuing and amending of the laws in relation to butter and tallow, and the caſks in which ſuch goods are to be made up, and in relation to the curing of hides, and making up of beef and pork for exportation, and for preventing the deſtruction of ſalmon*; which ſaid acts are now near expiring, but being found to be extremely uſeful, are therefore fit to be continued: be it therefore enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and every clauſe, article, and proviſo therein contained, ſhall remain and continue in full force and effect, as they now ſtand, to all intents and purpoſes for the ſpace of ſeven years from the end of this preſent ſeſſion of Parliament, and from thence to the end of the then next ſeſſion of Parliament, and no longer.

8 *G.* 1. 7. *Butter, &c.*

Continued and amended 10 *G.* 1. 9.

Explained and amended 12 *G.* 1. 5.

Further continued 7 years, *&c. and further by* 13 *G.* 2. 12. *and by* 21 *G.* 2. 7. *with the alterations and amendments to* 29 *Sept.* 1769.

II. And whereas an act paſſed in this kingdom in the third year of the reign of his preſent moſt gracious Majeſty King George the ſecond, intituled, *An act for the better diſcovery of judgments in the courts of King's bench, Common pleas, and Exchequer at Dublin, and for the greater ſecurity of purchaſers*, was made to continue and be in force for two years, and from thence

3 *G.* 2. 7. *Judgments.*

A. D. 1731. Chap. 6. and 1 G. 2. 3. *Bridges.*

to the end of the then next ſeſſion of Parliament, and no longer: and whereas an act paſſed in this kingdom, in the firſt year of the reign of his preſent Majeſty, intituled, *An act for the more ſpeedy and effectual repair of bridges in the ſeveral counties of this kingdom*, was made to continue and be in force for three years, and to the end of the then next ſeſſion of Parliament after the expiration of the ſaid three years, and no longer; which ſaid acts are now near expiring, but, being found to be uſeful, are therefore fit to be continued: be it therefore enacted by the authority aforeſaid, That all and every clauſe, article, and proviſo therein contained ſhall be continued in full force, as they now ſtand, to all intents and purpoſes for the ſpace of ſeven years from the end of this preſent ſeſſion of Parliament, and from thence to the end of the then next ſeſſion of Parliament, and no longer.

Continued 7 years, &c.

1 G. 2. 12. *Tithes.*

III. And whereas an act paſſed in this kingdom in the firſt year of the reign of his preſent Majeſty, intituled, *An act for the more eaſy recovery of tythes and other eccleſiaſtical dues of ſmall value*; which ſaid act was made to continue and be in force for the ſpace of three years, and from thence to the end of the then next ſeſſion of Parliament, and no longer: be it therefore enacted by the authority aforeſaid, That all and every clauſe, article, and proviſo therein contained ſhall be continued in full force, as they now ſtand, to all intents and purpoſes for the ſpace of two years, and from thence to the end of the then next ſeſſion of Parliament, and no longer; ſubject nevertheleſs to the proviſoes following.

Continued 2 years, &c. *and* 11 *years*, &c. *by* 25 G. 2. 6.

But diſtreſs by ſaid act ſhall be of goods neareſt the value, and as can conveniently be taken,

and if ſale, by ſworn appraiſers, named by the juſtices.

IV. Provided always, That ſuch diſtreſs, as ſhall be taken by virtue of the ſaid act, ſhall be of ſuch goods and chattels of the party, as ſhall be neareſt to the value of the ſum awarded by the judgment, and can conveniently be found or taken at the time of taking ſuch diſtreſs; and if ſale thereof ſhall be made, it ſhall be upon the oath of ſworn appraiſers to be nominated by the ſaid juſtices; which juſtices are hereby impowered to tender them ſuch oath.

After judgment as by ſaid act, no ſuit in Exchequer or eccleſiaſtical court.

V. Provided alſo, That no clerk or other perſon, who ſhall make ſuch complaint, and ſhall have had a hearing, and judgment ſhall have been given thereon, as by the ſaid act is directed, ſhall for the ſame matter, for which he or they have ſo complained, commence any ſuit in his Majeſty's court of Exchequer, or in any eccleſiaſtical court.

One juſtice may determine where the tithes not above 5s.

VI. And be it enacted by the authority aforeſaid, That where the value of the tithes or other eccleſiaſtical dues demanded by any rector, vicar, curate, or other perſon, does not exceed the

ſum of five ſhillings, one juſtice of the peace, qualified as the ſaid act directs, ſhall have power to determine all controverſies concerning the ſame in ſuch manner, as two juſtices of the peace may determine any ſuch controverſies by the ſaid act. A. D. 1731. Chap. 6.

VII. And whereas an act paſſed in this kingdom in the ſecond year of the reign of her late Majeſty Queen Anne, intituled, *An act for the exchange of glebes belonging to churches in this kingdom*; which act was made to continue for twenty one years and no longer, and was revived and continued by an act for continuing ſeveral temporary ſtatutes made in this kingdom in the tenth year of King George the firſt to be in full force to the firſt day of September, which ſhould be in the year of our Lord one thouſand ſeven hundred and thirty one, and from thence to the end of the then next ſeſſion of Parliament, and no longer; which ſaid act is now near expiring, but, being found to be uſeful is therefore fit to be continued: be it therefore enacted by the authority aforeſaid, That all and every clauſe, article, and proviſo therein contained ſhall be continued in full force, as they now ſtand, to all intents and purpoſes for the ſpace of twenty one years from the end of this preſent ſeſſion of Parliament, and to the end of the next ſeſſion of Parliament after the expiration of the ſaid twenty one years.

2 *Anne* 10. *Glebes.*

Revived and continued 10 *G.* 1. 4.

Further continued 21 years, &c. *and* 4 *years, by* 23 *G.* 2. 8. *and further* 21 *years, &c. by* 29 *G.* 2. 8.

VIII. Provided always, and be it enacted by the authority aforeſaid, That during the ſaid term it ſhall and may be lawful to and for any dean, archdeacon, dignitary, prebendary, rector, or vicar, or other perſon having cure of ſouls in this kingdom, to exchange with any archbiſhop, biſhop, or other perſon, ſuch glebe, or any part thereof, as is inconveniently ſituated, for land of equal value more conveniently ſituated, though not ſo near the church, by and with ſuch conſent and approbation, and in ſuch manner, and under ſuch rules and limitations, and to ſuch purpoſe and effect, as in the ſaid recited act are mentioned, and as if the ſame were herein particularly ſet forth.

Glebes may be exchanged for lands of equal value more convenient, tho' not ſo near the church, as by 2 *Anne* 10.

IX. And whereas in and by one act made in this kingdom in the laſt ſeſſion of this preſent Parliament, intituled, *An act to enable his Majeſty to purchaſe in the reſpective intereſts of the ſeveral perſons intitled to the houſes and grounds adjoining to the new Parliament-houſe*; it is enacted, "That it ſhall and may be "lawful to and for his Majeſty, his heirs and ſucceſſors, by one or more "commiſſion or commiſſions under the great ſeal of Ireland, to be executed and "returned within the ſpace of two years from and after the twenty fifth day "of March one thouſand ſeven hundred and thirty, to authorize and appoint "any

3 *G.* 2. 8. *Parliament-houſe.*

A. D. 1731.

"any number of perſons to be commiſſioners to execute the powers in the ſaid "act mentioned:" and whereas his Majeſty did by virtue of the ſaid act by a commiſſion under the great ſeal authorize and appoint certain commiſſioners to execute the powers in the ſaid act mentioned, part whereof have been executed by the ſaid commiſſioners, and other powers in the ſaid act remain unexecuted; be it therefore enacted by the authority aforeſaid, That the ſaid act, and all and ſingular the powers and authorities therein mentioned, or intended to be executed by the commiſſioners appointed in purſuance of the ſaid act, ſhall be, remain, and continue in full force and virtue to all intents and purpoſes for the term of one year, to commence from the twenty fifth day of March one thouſand ſeven hundred and thirty two; and that the ſaid commiſſioners appointed as aforeſaid, or ſuch other commiſſioners as his Majeſty, his heirs or ſucceſſors, by one or more commiſſion or commiſſions under the great ſeal of this kingdom ſhall think fit to appoint, ſhall and may execute all the powers in the ſaid act mentioned and hereby continued.

Commiſſioners appointed in purſuance thereof, the powers partly executed:

continued 1 year.

Revived and continued to 25 March 1735, with further directions by 7 G. 2. 7.

CHAP. VII.

An act for reducing the intereſt of money to ſix per cent.

16 *C.* 1. 22. *ſeſſ.* 2.
2 *Anne* 16.
8 *G.* 1. 13.
12 *C.* 2. 13. *Eng.*
12 *Anne* 16. *ſtat.* 2. *Eng.*

WHEREAS the reducing of intereſt to eight, and from thence to ſeven, in the hundred hath by experience been found very beneficial to the advancement of trade and improvement of lands: and whereas at this time there is a very great abatement in the value of divers merchandizes, wares, and commodities of this kingdom both at home and alſo in foreign parts, whither they are tranſported; which is in great meaſure occaſioned by foreign merchants being enabled to procure money at leſs expence and for leſs intereſt, than the merchants in this kingdom; by which means they can give greater prices for their native commodities and manufactures, and ſell them cheaper abroad, by having a greater gain in proportion to their riſque, from their freight cheaper by the lowneſs of intereſt: and whereas the value of lands would riſe at home, and the owners and occupiers of lands would be enabled to improve them by fencing, draining, manuring, and otherwiſe cultivating them, and manufactures, and other uſeful arts, and fiſheries might be improved, upon procuring money at an eaſy intereſt; and alſo uſurers, and others, who now live upon the intereſt of their money, would betake themſelves to ſome uſeful art, calling, or trade, or become induſtrious improvers of the lands of this kingdom, which they cannot now do to any profit, whilſt the intereſt on loan continues at ſo high a rate as ſeven pounds in the hundred pounds for a year; which miſchiefs cannot be prevented, nor improvements made, without reducing intereſt to a nearer proportion with the intereſt allowed for

Advantages by reduction of intereſt.

Abatement in value of merchandizes, by foreigners underſelling.

Intereſt at 7 *per cent.* too high.

Preventing improvement of land, &c.

for money in foreign ſtates: be it therefore enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That no perſon or perſons whatſoever from and after the firſt day of May, which will be in the year of our Lord one thouſand ſeven hundred and thirty two, upon any contract to be made after the ſaid firſt day of May one thouſand ſeven hundred and thirty two ſhall take directly or indirectly for loan of any moneys, wares, merchandizes, or other commodities whatſoever, above the value of ſix pounds *per cent.* for the forbearance of one hundred pounds for a year, and ſo after that rate for a greater or leſſer ſum, or for a longer or ſhorter time; and that all bonds, contracts, and aſſurances whatſoever, made after the time aforeſaid for payment of any principal or money to be lent, or covenant to be performed upon or for any loan, whereupon or whereby there ſhall be taken or reſerved above the rate of ſix pounds in the hundred as aforeſaid, ſhall be utterly void; and that all and every perſon or perſons whatſoever, which ſhall after the time aforeſaid upon any contract to be made after the ſaid firſt day of May, which will be in the year of our Lord one thouſand ſeven hundred and thirty two, take, accept, and receive, by way or means of any corrupt bargain, loan, exchange, chevizance, ſhift, or intereſt, of any wares, merchandizes, or other thing or things whatſoever, or by any covin, engine, or deceitful way, means, or conveyances, for the forbearing or giving day of payment for one whole year of or for their money or other thing above the ſum of ſix pounds for the forbearing of one hundred pounds for a year, and ſo after that rate for a greater or leſſer ſum, or for a longer or ſhorter time, ſhall forfeit and loſe for every ſuch offence the treble value of the moneys, wares, merchandizes, and other things ſo lent, bargained, ſold, exchanged, or ſhifted.

A. D. 1731. Chap. 7.

no more than 6 *per cent.* ſhall be taken hereafter.

Bonds, contracts, &c. for more, void.

Penalty treble value on perſons taking more by any corrupt bargain, loan, exchange, or covin.

II. And be it further enacted by the authority aforeſaid, That all and every ſcrivener and ſcriveners, broker and brokers, ſollicitor and ſollicitors, driver and drivers of bargains for contracts, who ſhall after the ſaid firſt day of May, which will be in the year of our Lord one thouſand ſeven hundred and thirty two, take or receive directly or indirectly any ſum or ſums of money, or other reward or thing, for brokage, ſolliciting, driving, or procuring the loan or forbearing of any ſum or ſums of money over and above the rate or value of five ſhillings for procuring the loan or forbearing of one hundred pounds for a year, and ſo rateably, or above twelve pence for making or renewing of the bond or bill concerning the ſame, ſhall forfeit for every ſuch offence twenty pounds, and ſuffer impriſonment for half a year; the one moiety

Brokers, &c. taking more than 5 s. for 100 l. or than 12 d. for making the bond, &c.

Penalty 20 l. and 6 months impriſonment.

A. D. 1731. moiety of all which forfeitures to be to our ſovereign lord the King's Majeſty, his heirs and ſucceſſors, and the other moiety to him or them that ſhall ſue for the ſame in any of his Majeſty's Four courts in Dublin by action of debt, bill, plaint, or information, in which no eſſoign, wager of law, or protection, ſhall be allowed.

All forfeitures to the King and proſecutor.

CHAP. VIII.

An act to enable ideots and lunaticks, who are ſeized or poſſeſſed of eſtates in fee, or for lives, or terms of years, in truſt, or by way of mortgage, to make conveyances, ſurrenders, or aſſignments of ſuch eſtates; and to prevent delay in ſuits in equity where truſtees cannot be found.

4 G. 2. 10. *Eng.*

WHEREAS many inconveniencies do and may ariſe by reaſon that perſons, being ideot, lunatick, or *non compos mentis*, having eſtates in lands, tenements, or hereditaments, in truſt only for others, or by way of mortgage, cannot, though by the direction of the *ceſtique truſt* or mortgagor, convey any ſure eſtate in any ſuch lands, tenements, or hereditaments, to any other perſon or perſons; for remedy whereof be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the twenty fifth day of March one thouſand ſeven hundred and thirty two it ſhall and may be lawful to and for any ſuch perſon or perſons, being ideot, lunatick, or *non compos mentis*, or for the committee or committees of ſuch perſon or perſons in his, her, or their name or names, by the direction of the lord chancellor of Ireland, or the lord keeper or commiſſioners of the great ſeal of Ireland for the time being, ſignified by an order made upon hearing all parties concerned on the petition of the perſon or perſons, for whom ſuch perſon or perſons, being ideot, lunatick, or *non compos mentis*, ſhall be ſeized or poſſeſſed in truſt, or of the mortgagor or mortgagors, or of the perſon or perſons intitled to the money ſecured by or upon any lands, tenements, or hereditaments, whereof any ſuch perſon or perſons being ideot, lunatick, or *non compos mentis*, is, or are, or ſhall be ſeized or poſſeſſed by way of mortgage, or of the perſon or perſons intitled to the redemption thereof, to convey and aſſure any ſuch lands, tenements, or hereditaments, in ſuch manner as the lord chancellor of Ireland, or lord keeper or commiſſioners of the great ſeal of Ireland, ſhall by ſuch order ſo to be obtained direct, to any other perſon or perſons; and ſuch conveyance or aſſurance, ſo to be had and made

Ideots or lunaticks being truſtees or mortgagees, or the committees in their name, may by order of lord chancellor on petition make conveyances as thereby directed.

made as aforeſaid, ſhall be as good and effectual in law to all intents and purpoſes whatſoever, as if the ſaid perſon or perſons, being ideot, lunatick, or *non compos mentis*, was or were at the time of making ſuch conveyance or aſſurance of ſane mind, memory, and underſtanding, and not ideot, lunatick, or *non compos mentis*, and had by him, her, or themſelves executed the ſame; any law, cuſtom, or uſage to the contrary in any wiſe notwithſtanding. A. D. 1731. Chap. 8.

II. And be it further enacted by the authority aforeſaid, That all and every ſuch perſon and perſons, being ideot, lunatick, or *non compos mentis*, and only truſtee or truſtees, mortgagee or mortgagees as aforeſaid, or the committee and committees of all and every ſuch perſon and perſons, being ideot, lunatick, or *non compos mentis*, and only ſuch truſtee or mortgagee as aforeſaid, ſhall and may be impowered and compelled by ſuch order, ſo as aforeſaid to be obtained, to make ſuch conveyance or conveyances, aſſurance or aſſurances, as aforeſaid in like manner, as truſtees or mortgagees of ſane memory are compellable to convey, ſurrender, or aſſign their truſt, eſtates, or mortgages: and whereas it is often neceſſary in cauſes depending in courts of equity, to make perſons defendants, who are only truſtees, and no otherwiſe concerned in intereſt in the event of ſuch ſuits: and whereas it ſometime happens that ſuch truſtees, their heirs, executors, or adminiſtrators, when parties to ſuch ſuits, being gone into remote or foreign parts, notwithſtanding diligent ſearch and enquiry is made after them, cannot be found, ſo as to ſerve them with the proceſs of ſuch courts to compel them to appear, whereby the ſuitors complaining are put to great expence and delay: for remedy whereof be it enacted by the authority aforeſaid, That in all ſuits, which are or ſhall be commenced by Engliſh bill in the high court of Chancery or court of Exchequer in this kingdom, where any perſon or perſons is or are made defendant or defendants in any ſuch ſuit, and it ſhall be made appear to the court by affidavit, that ſuch defendant or defendants is or are only a truſtee or truſtees, and that diligent ſearch and enquiry has been made after ſuch defendant or defendants, to ſerve him, her, or them, with the proceſs of the court, and that he, ſhe, or they, cannot be found, then and in ſuch caſe it ſhall and may be lawful to and for the ſaid courts of Chancery and Exchequer reſpectively, to hear and determine all ſuch cauſes now depending, or which hereafter ſhall depend, before them, and to make ſuch abſolute decree and decrees therein againſt every perſon or perſons, who ſhall appear to them to be only a truſtee or truſtees, and no otherwiſe concerned in intereſt in the matter in queſtion, in ſuch and the ſame manner as if ſuch truſtee or truſtees had been duly ſerved with the proceſs of the court, and had appeared and filed his, her, or their anſwer thereto,

Compellable thereto.

Where truſtees defendants in equity not to be found on diligent ſearch, and affidavit thereof, an abſolute decree may be made, as if ſerved with proceſs, appeared, &c.

A. D. 1731. thereto, and alſo as if ſuch truſtee or truſtees had appeared by their council and clerk at the hearing of ſuch cauſe or cauſes, that are or ſhall be commenced in the ſaid courts of Chancery or Exchequer; any law or uſage of the ſaid courts to the contrary notwithſtanding.

except ſo far as concerned in intereſt.

III. Provided always, That no decree ſo to be obtained ſhall bind, affect, or in any wiſe prejudice, any perſon againſt whom ſuch decree ſhall be made, without ſervice of proceſs upon him or her as aforeſaid, his or her heirs, executors, or adminiſtrators, for or in reſpect of any eſtate, right, or intereſt, which ſuch perſon ſhall have at the time of making ſuch decree, for his or her own uſe or benefit, or otherwiſe than as a truſtee as aforeſaid.

CHAP. IX.

An act to encourage the improvement of barren and waſte land and boggs, and planting of timber trees and orchards.

WHEREAS there are great tracts of unprofitable bogg and low grounds overflown by rivers, loughs, or the ſea; which might be taken in, drained, and improved, if the property thereof was ſettled, and due encouragement given thereto: be it therefore enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That where any perſon or perſons ſhall be ſeized or poſſeſſed of any lands contiguous or adjoyning to any bogg, moſs, or lough, or to ground between the flux and reflux of the ſea, and ſhall be deſirous to ſettle and aſcertain the mears and bounds thereof with the proprietors of the other lands adjoyning to or on the other ſide or ſides of the ſame, ſuch perſon or perſons may exhibit an Engliſh petition in his Majeſty's high court of Chancery, or in his Majeſty's court of Exchequer in this kingdom, againſt the proprietor or proprietors of the other part or parts of ſuch bogg, moſs, lough, or ground, or of the lands adjacent to the ſame, deſiring ſuch mears and bounds to be aſcertained as aforeſaid; and upon proof made by affidavit of ſuch proprietors, and the tenants in poſſeſſion being perſonally ſerved with copies of ſuch petition at leaſt thirty days before the time appointed for hearing the matter thereof, it ſhall and may be lawful to and for the court, in which ſuch petition was ſo exhibited, to iſſue a commiſſion to ſeven or more commiſſioners (for which commiſſion the like fees ſhall be paid as for a commiſſion to examine witneſſes, and no more) impowering and requiring ſuch commiſſioners, or any five or more of them, by examination of witneſſes

On petition in Chancery or Exchequer to aſcertain bounds of bogs, &c.

and affidavit of perſonal ſervice of copies on proprietors and tenants in poſſeſſion 30 days before, commiſſion ſhall iſſue to 7 or more,

witneſſes upon oath, which oath they are hereby impowered to adminiſter, and by the verdict of a jury of twelve men, to be returned on the precept of ſuch commiſſioners by the ſheriff of the county, in which ſuch lands lye, or, if they lye in two counties, then one equal moiety of ſuch jury to be returned out of each of ſuch counties by the ſeveral ſheriffs thereof to inquire of and aſcertain the old mears and bounds of ſuch bogg, moſs, or lough, or ground between the flux and reflux of the ſea, if there be any ſuch; but if no ſuch old mears and bounds appear to them, then to make, lay out, and aſcertain ſuch reaſonable mears and bounds between the petitioners and other proprietors in the petition mentioned, regard being had to the length of the profitable land adjoining to ſuch bogg, moſs, lough, or ground belonging to ſuch ſeveral proprietors, as to them or the major part of them ſhall ſeem meet and reaſonable; and where a drain ſhall be neceſſary to carry off the water from ſuch bogg, moſs, or lough, the ſaid commiſſioners, or the major part of them, ſhall and may lay out and aſcertain the ſame, and the length, breadth, and depth of ſuch drain, and likewiſe order and appoint what part or proportion thereof ſhall be made or done by the ſaid ſeveral proprietors, with regard to the benefit that each of them may receive thereby; and whatever ſhall be done by virtue of ſuch commiſſion, the ſaid commiſſioners or the major part of them ſhall return under their hands and ſeals into the court, out of which ſuch commiſſion iſſued; whereupon ſuch court ſhall and may make ſuch order or orders for confirming, altering, or amending ſuch return, or may ſet aſide the ſame, and iſſue a new commiſſion, as to ſuch court ſhall ſeem juſt and reaſonable; but if no complaint be made to the court, out of which ſuch commiſſion iſſued, againſt ſuch return within thirty days next after the filing thereof, in caſe the ſame be filed in term time, or in the next term after the filing thereof in caſe the ſame ſhall be filed in time of vacation, then and from thenceforth ſuch return ſhall ſtand and be confirmed; and ſuch return confirmed, altered, or amended by the court, and any order thereupon made, ſhall bind and be concluſive to all the parties to the ſaid proceedings, and all perſons claiming or deriving any eſtate, right, title, or intereſt, in or to the ſaid lands, or any part thereof, by, from, or under them, or either of them.

A. D. 1731. Chap. 9.

any 5, by examination on oath and a jury returned by the ſheriff (or ſheriffs if in 2 counties) ſhall aſcertain the old bounds,

or, if none appear, lay out reaſonable bounds, regarding the length of the profitable land adjoining;

and lay out drains, where neceſſary,

and order the proportion to be made by proprietors, according to benefit received by each.

Proceedings under the commiſſions returned under hand and ſeal to the court;

to be confirmed, altered, or ſet aſide.

Return, if not complained of in 30 days or next term, confirmed;

and concluſive to parties, &c.

II. Provided always, That not leſs than twenty four men ſhall be returned, out of which ſuch jury may be taken; and that all the ſaid parties may have their lawful challenges to the perſons ſo returned, in like manner as in caſes of tryals in actions at law.

no leſs than 24 to be returned:

Challenges as on trials at law.

III. And be it further enacted by the authority aforeſaid, That if any of the ſaid proprietors after three months notice in writing given to them ſhall neglect or refuſe well and ſufficiently to

Any proprietors after 3 months notice in writing not making their

A. D. 1731. Chap. 9.

make his or their part and proportion of ſuch drain according to the order of ſuch commiſſioners as aforeſaid, then and in ſuch caſe it ſhall and may be lawful to and for the other proprietor and proprietors to make ſuch drain, and then to ſue and proſecute ſuch proprietor or proprietors, neglecting to make their part of ſuch drain as aforeſaid, by civil bill at the aſſizes for the county in which ſuch drain or any part thereof lyeth, or at the quarter-ſeſſions of the peace, if in the county of Dublin, for ſuch ſum or ſums of money as his or their part or proportion of ſuch drain to be made ſhall amount unto.

part of ſuch drain, the reſt may do it, and ſue them by civil bill.

IV. Provided always, That no one proprietor ſhall be lyable to pay more than one ſhilling and ſix pence for each perch, containing twenty one feet in length, of ſuch drain, or be compelled to pay more than ten pounds in the whole towards making ſuch drain as aforeſaid in any one year.

No one to pay above 1 s. and 6 d. *per* perch, or 10 l. in the whole in 1 year.

V. And be it further enacted by the authority aforeſaid, That if any ſuch proprietors, who ſhall make ſuch drain, or againſt whom any ſum or ſums of money ſhall be recovered on account thereof as aforeſaid, happen to be only tenants for life or years, ſuch tenants after the determination of their reſpective eſtates, and their reſpective executors, adminiſtrators, and aſſigns, ſhall hold and enjoy ſuch boggs, moſs, or lough, or ground taken in from the ſea, until they ſhall out of the yearly rents, iſſues, and profits thereof be paid the ſums following; (that is to ſay) if ſuch proprietor at the time of filing the return on the ſaid commiſſion be poſſeſſed of a term leſs than ſeven years, then until he be paid all ſuch ſum or ſums of money, as he ſhall have ſo expended, or has been recovered againſt him as aforeſaid; but if at ſuch time he hath a term unexpired of ſeven years, then until he receive three parts in four of ſuch ſum or ſums of money; but if at ſuch time ſuch proprietor be a tenant for one life, or by the courtiſy, or in dower, or have a term of fourteen years unexpired, then until he or ſhe receive two parts in three of ſuch ſum or ſums of money; but if he have a term for two lives or for twenty one years unexpired, then until he be paid one fourth part of ſuch ſum or ſums of money expended or recovered as aforeſaid; but if at ſuch time he hath a term for three lives or for thirty one years unexpired, or any greater or longer eſtate or term than thirty one years or three lives, ſuch proprietor ſhall have no payment or allowance whatſoever upon account of the ſaid drain, when ſuch eſtate or term is determined.

Proprietor, having determinable intereſts, ſhall hold ſuch bogs, &c. till refunded,

if his term leſs than 7 years, all the money expended or recovered,

if 7 years, 3 parts in 4,

if 1 life, courteſy, dower, or 14 years, 2 parts in 3,

if 2 lives or 21 years, 1 fourth,

if 3 lives, 31 years, or above, no allowance.

VI. And be it further enacted by the authority aforeſaid, That all barren, heath, and moory ground, mountain, bogg, moſs, and land taken in and encloſed from the ſea, or any lough or river, which by reaſon or means of drains, banks, walls, or dikes, ſhall be

Barren ground, &c. converted into arable or meadow, diſcharg-

be improved and converted into arable or meadow land, ſhall be exempt and diſcharged from payment of tythes for any hemp, flax, or rape growing thereon, during the term of ſeven years next after the time of improving and taking in thereof.

ed from tithes for hemp, flax, or rape, 7 years.

VII. Provided always, That no land ſhall be diſcharged from the ſaid tythes within the meaning of this act, which at any time before ſuch improving or taking in ever paid tythes for any corn, hay, hemp, flax, rape, or potatoes.

2 & 3 *E.* 6. 13. *Sec.* 5. *Eng.*

but not if ever before they paid tithes for corn, hay, &c.

VIII. Provided alſo, That no land ſhall within the meaning of this act be diſcharged from paying for tythe thereof ſuch ſum or ſums, as the ſaid land paid for any one of the preceding ſeven years.

nor diſcharged from the ſum paid for tithes any one of the preceeding 7 years.

IX. And whereas by an act made in this kingdom in the eighth year of the reign of his late Majeſty King George the firſt, intituled, *An act for repealing part of an act paſſed in the tenth year of King William the third*, intituled, *An act for planting and preſerving timber trees and woods, and alſo for giving further encouragement to plant and preſerve timber trees and woods*, one third part of all timber trees are given to the tenant or perſons therein mentioned, that plant the ſame: be it enacted by the authority aforeſaid, That ſuch tenant or perſon inſtead of ſuch third part ſhall have an equal moiety of all ſuch trees, as he or they ſhall hereafter plant in purſuance of the ſaid act.

Recital of 8 *G.* 1. 8.

Planters of trees purſuant thereto, inſtead of 1 third, ſhall have a moiety.

9 *G.* 2. 7.

X. And to encourage the planting of orchards in this kingdom, be it enacted by the authority aforeſaid, That if any tenant for life or years ſhall graft or plant from the ſeed any apple or pear-trees in proper ground well fenced and duly preſerved, ſo as to leave the ſame bearing and profitable trees at the end of the ſaid eſtate or term, ſuch tenant, his executors or adminiſtrators, ſhall then receive and be paid for every ſuch tree, not being above twenty years old, the ſum of one ſhilling by the perſon or perſons, who at the expiration of ſuch eſtate or term ſhall be intitled to or poſſeſs the lands; to be recovered by civil bill if ſuch ſum do not exceed ten pounds, but, if it exceed ſuch ſum of ten pounds, then to be recovered by action of debt in any of his Majeſty's courts of record; wherein no eſſoin, protection, or wager of law, ſhall be allowed, and no more than one imparlance.

if tenant life or years, graft or plant and preſerve apple or pear-trees, and leave bearing and profitable, reverſioner ſhall pay 1 s. every tree not above 20 years old,

by civil bill if not above 10 l.

CHAP.

A. D. 1731.

CHAP. X.

An act for the more effectual punishing stealers of lead or iron bars fixed to houses, or any fences belonging thereunto.

4 G. 2. 32. *Eng.*

WHEREAS the pernicious practice of stealing lead, iron-bars, iron-gates, iron-palliſadoes, and iron-rails, and braſs and iron-knockers fixed to dwelling-houſes, out-houſes, coach-houſes, ſtables, and other buildings, and fixed in gardens, orchards, court-yards, fences, and out lets belonging to dwelling-houſes and other buildings, hath of late time being much uſed to the great detriment of his Majeſty's ſubjects, and it is neceſſary for the more effectual preventing of ſuch offences to inflict a more exemplary puniſhment on ſuch offenders, than by the laws of this realm can now be done: be it therefore enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the Lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the twenty fifth day of March one thouſand ſeven hundred and thirty two all and every perſon and perſons, who ſhall ſteal or rip, cut or break with intent to ſteal, any lead, iron-bar, iron-gate, iron-palliſado, or iron-rail, or braſs or iron-knockers whatſoever, being fixed to any dwelling-houſe, out-houſe, coach-houſe, ſtable, or other building uſed or occupied with ſuch dwelling-houſe, or thereunto belonging, or to any other building whatſoever, or fixed in any garden, orchard, court-yard, fence or outlet belonging to any dwelling-houſe or other building, or any locks or hinges of gates of parks, or other incloſures, ſhall be deemed and conſtrued to be guilty of felony, and every ſuch felon and felons ſhall be ſubject and lyable to the like pains and penalties as in caſes of felony; and the court, by and before whom ſuch perſon or perſons ſhall be tried, ſhall and hereby have power and authority to tranſport ſuch felons for the ſpace of ſeven years, in like manner as other felons are directed to be tranſported by the laws and ſtatutes of this realm; and all and every perſon and perſons, who ſhall be aiding, abetting, or aſſiſting in ſtealing, or in ſuch ripping, cutting, or breaking any lead, iron-bar, iron-gate, iron-palliſado, or iron-rail fixed to any dwelling-houſe, out-houſe, coach-houſe, ſtable, or other building, or fixed in any garden, orchard, court-yard, fence, or outlet, belonging to any dwelling-houſe or other building, ſhall be ſubject and liable to the ſame puniſhments, as if he, ſhe, or they had ſtolen the ſame.

To ſteal or break, &c. with intent to ſteal, lead, bars, &c. fixed to any building, or in a garden, &c. or locks or hinges, felony,

tranſportation 7 years,

abettors liable as if they ſtole.

II. And

A. D. 1731. Chap. 10.

II. And whereas the open practice of buying at low prices all ſtolen lead and iron hath been found greatly to encourage the ſtealing thereof, and it hath been found by experience, that the receivers are ſheltered from and often eſcape proſecution by the difficulty put on the proſecutor, as the law now ſtands, to make proof thereof ſo as to convict offenders: for remedy whereof, and for the more effectual preventing the buying or receiving of any ſtolen lead or iron, be it enacted by the authority aforeſaid, That on ſearch made by warrant of any one juſtice of the peace, or chief magiſtrate or magiſtrates of any city, town, or place within his or their reſpective juriſdiction, if any lead or iron ſo ſtolen, ript, cut, or broke as aforeſaid, ſhall be found in the poſſeſſion of any perſon or perſons, that ſuch perſon or perſons ſhall make proof, that the ſaid lead or iron was fairly and honeſtly bought or acquired; and in default thereof ſuch perſon or perſons, with whom ſuch lead or iron ſhall be found, ſhall be adjudged and deemed to be the perſon or perſons, who ſtole the ſame, or the receiver or receivers thereof knowing the ſame to be ſtolen, and, being thereof lawfully convicted, ſhall be ſent to the houſe of correction, there to be kept to hard labour for any time not exceeding ſix calendar months, or ſhall be ſubject to fine and impriſonment, as the judge or judges, before whom ſuch perſon or perſons ſhall be tried for ſuch offence and convicted as aforeſaid, ſhall think reaſonable and juſt, but ſhall not be ſubject to any capital puniſhment, nor to be tranſported as aforeſaid.

To prevent buying or receiving ſtolen lead or iron, and remove difficulty on proſecutor, they, in whoſe poſſeſſion found on ſearch by warrant, ſhall prove it fairly acquired, or deemed to have ſtolen or received knowingly, and on conviction ſent to houſe of correction 6 months, or fined and impriſoned:

IV. And be it further enacted by the authority aforeſaid, That this act be publickly read at the four quarter-ſeſſions of every county in this kingdom for the ſpace of two years next after the commencement of this act.

read at the 4 ſeſſions for 2 years.

III. Provided always, That this act ſhall continue in force for the ſpace of two years from the twenty fifth day of March one thouſand ſeven hundred and thirty two, and from thence to the end of the then next ſeſſion of Parliament, and no longer.

Continuance 2 years, &c. 7 *G.* 2. 7. *continued.* 13 *G.* 2. 4. *perpetual.*

A. D. 1731.

CHAP. XI.

An Act for explaining and amending an act made in the twenty eighth year of the reign of King Henry the eighth, intituled, An act for the weirs upon the Barrow, and other waters in the county of Kilkenny.

28 *H.* 8. 22. recited.

WHEREAS by a ſtatute, made in this kingdom in the twenty eighth year of the reign of King Henry the eighth, it is among other things enacted, "That it ſhall and "may be lawful and juſtifiable for any perſon or perſons in "the counties of Kildare, Catherlough, Wexford, Kilkenny, "Waterford, and Tipperary, in company with any ſheriff or "ſeneſchal of any county aforenamed to proſtrate and break, "and cauſe to be proſtrated and broken, from time to time all "wears, purpreſtures, engines, ſtreights, or other like obſtacles "erected or to be erected in any of the rivers or waters of "Shure, Nore, Barrow, and Rye, and alſo to leave a convenient "gap or place for boats and other veſſels to paſs and repaſs in, "of, upon, and through every mill-pond made or to be made "in any of the ſaid rivers or waters;" which ſtatute does not effectually anſwer the good ends and purpoſes intended thereby, becauſe there is no penalty on perſons, who ſhall repair the ſaid wears, purpreſtures, engines, ſtreights, or other like obſtacles, after they are ſo broken down: for remedy whereof be it enacted by the Kings moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of March in the year of our Lord one thouſand ſeven hundred and thirty one if any perſon or perſons ſhall repair, or cauſe to be repaired, any wear, purpreſture, engine, ſtreight, or other like obſtacle, which ſhall be broken down or removed by authority of the ſaid recited ſtatute, every perſon or perſons ſo offending ſhall for the firſt offence forfeit the ſum of fifty pounds, and for the ſecond and every other offence reſpectively the ſum of one hundred pounds; to be recovered in any of the King's courts by action of debt, bill, plaint, information, or otherwiſe, wherein no eſſoin, protection, or wager of law, and no more than one imparlance, ſhall be admitted or allowed; the one moiety to the uſe of the King, his heirs and ſucceſſors, and the other moiety thereof to the party that will ſue for the ſame.

The end thereof not anſwered, as no penalty on perſons repairing wears, &c. broken.

Perſons repairing wears, &c. removed as by ſaid act,

penalty 1ſt offence, 50 l.

100 l. afterwards.

to the King and proſecutor.

II. Provided alſo, and be it further enacted by the authority aforeſaid, That if any perſon or perſons whatſoever ſhall be ſued

Perſons ſued for acting may plead general iſſue, &c.

or

or proſecuted for or by reaſon of any matter or thing, which he or they ſhall do in purſuance of the ſaid recited act, it ſhall and may be lawful to and for the perſon or perſons ſo ſued and proſecuted to plead the general iſſue, and to give the ſpecial matter in evidence; and if a verdict ſhall be given for the defendant or defendants in ſuch action, or the plaintiff or plaintiffs become nonſuit, or ſuffer any diſcontinuance thereof, in ſuch caſe ſuch defendant or defendants ſhall have his or their treble coſts, which he or they ſhall have ſuſtained in ſuch action or ſuit, for which the ſaid defendant or defendants ſhall have the like remedy, as in other caſes where coſts are given to defendants. A. D. 1731.

and have treble coſts.

III. Provided always, That this act or any thing herein contained ſhall not extend, or be conſtrued to extend, to prevent any fiſherman, or his apprentice or apprentices lawfully authorized, from fiſhing in navigable rivers or waters with lawful nets and engines; but that every of them ſhall and may, according to the laws and orders made and to be made and ſettled for the good order, rule, and government of ſuch navigable rivers and waters, uſe the trade of fiſhing, as they lawfully might have done before the making of this act; any thing in this act contained to the contrary notwithſtanding.

Fiſhermen or apprentices may uſe lawful nets and engines in navigable rivers or waters.

CHAP. XII.

An act to prevent the throwing or firing of ſquibs, ſerpents, and other fire-works.

WHEREAS much miſchief hath happened by throwing, caſting, and firing ſquibs, ſerpents, and other fire-works: for remedy whereof for the future, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of May, which will be in the year of our Lord one thouſand ſeven hundred and thirty two, it ſhall not be lawful for any perſon or perſons of what age, ſex, degree, or quality ſoever, to make or cauſe to be made, or ſell or utter, or offer or expoſe to ſale any ſquibs, rockets, ſerpents, or other fire-works, or any caſes, moulds, or other implements, for the making any ſuch ſquibs, ſerpents, rockets, or other fire-works; or for any perſon or perſons to permit or ſuffer any ſquibs, ſerpents, rockets, or other fire-works to be caſt, thrown, or fired from, out of, or in his, her, or their houſe or houſes, lodgings, or habitations, or from, out of, or in any part or place thereto

9 & 10 *Wil.* 3. 7. *Eng.*

No perſon whatſoever ſhall make, ſell, &c. fire-works, or implements for making them;

or ſuffer them to be thrown out of their houſes, &c.

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thereto belonging, or adjoining unto any publick ſtreet, high-way, road, or paſſage; or for any perſon or perſons of what degree, quality, or age ſoever, to throw, caſt, or fire, or to be aiding or aſſiſting in the throwing, caſting, or firing of any ſquibs, ſerpents, rockets, or other fire-works, in, or into any publick ſtreet, houſe, ſhop, river, highway, road, or paſſage; and that every ſuch offence ſhall be, and is hereby adjudged to be, a common nuſance.

or in any ſtreet, &c. or aſſiſt therein,

deemed common nuſance,

II. And be it further enacted by the authority aforeſaid, That if any perſon or perſons of what age, ſex, degree, or quality ſoever, from and after the ſaid firſt day of May ſhall make or cauſe to be made, or ſhall give, ſell, or utter, or offer to expoſe to ſale, any ſquibs, rockets, ſerpents, or other fire-works, or any caſes, moulds, or other implements for the making any ſuch ſquibs, rockets, ſerpents, or other fire-works, that then every ſuch perſon or perſons ſo offending, and being thereof convicted before one or more juſtice or juſtices of the peace of the county, limits, diviſion, corporation, or liberty, or chief magiſtrate of the place, where ſuch offence ſhall be committed, either by the confeſſion of the party or parties ſo offending, or the oaths of two witneſſes (which oaths the ſaid juſtice or juſtices of the peace or chief magiſtrate is and are hereby impowered and required to adminiſter) ſhall for every ſuch offence forfeit the ſum of five pounds; and if any perſon or perſons whatſoever from and after the ſaid firſt day of May ſhall permit or ſuffer any ſquibs, ſerpents, rockets, or other fire-works to be caſt, thrown, or fired from, out of, or in his, her, or their houſe or houſes, ſhops, dwelling, lodging, or habitation, or from, out of, or in any part thereof, or place thereto belonging, or adjoyning unto any publick ſtreet, highway, road or paſſage, or any other houſe or place whatſoever; that then every ſuch perſon or perſons ſo as aforeſaid laſt offending, and being thereof as aforeſaid convicted, ſhall for every ſuch offence forfeit the ſum of twenty ſhillings; the ſaid ſeveral forfeitures to be levied by diſtreſs and ſale of the goods and chattels of every ſuch offender by warrant under the hand and ſeal of the ſaid juſtice or juſtices of the peace, or chief magiſtrate, before whom the conviction or convictions ſhall be as aforeſaid made; the one half of the ſaid forfeitures to be to the uſe of the poor of the pariſh where every ſuch offence ſhall be committed, and the other half to the uſe of him or them who ſhall proſecute and cauſe ſuch offender or offenders to be as aforeſaid convicted.

penalty 5 l. on the makers, ſellers, &c.

on conviction before a juſtice, &c. by confeſſion or 2 witneſſes.

Penalty 20 s. on perſons ſuffering to be thrown, &c. as aforeſaid,

levied by diſtreſs by warrant,

to the poor and proſecutor.

III. And be it further enacted by the authority aforeſaid, That if any perſon or perſons of what age, ſex, degree, or quality ſoever from and after the ſaid firſt day of May ſhall throw, caſt

Penalty 20 s. on perſons throwing them in the ſtreet, &c. or aſſiſt-

caſt, or fire, or be aiding or aſſiſting in the throwing, caſting, or firing of any ſquibs, rockets, ſerpents, or other fire-works, in, or into any publick ſtreet, houſe, ſhop, river, highway, road, or paſſage, that then every perſon ſo offending, and being thereof as aforeſaid convicted, ſhall for every ſuch offence forfeit the ſum of twenty ſhillings to the uſes aforeſaid; and if the perſon or perſons ſo as aforeſaid laſt offending ſhall not, immediately upon his, her, or their being thereof as aforeſaid convicted, pay to the ſaid juſtice or juſtices of the peace or chief magiſtrate, before whom ſuch conviction ſhall be as aforeſaid made, the ſaid forfeiture or forfeitures for the uſes aforeſaid, that then every ſuch juſtice or juſtices of the peace, or chief magiſtrate, is and are hereby impowered and required by warrant under his or their hands and ſeals, to commit every ſuch perſon or perſons, ſo as aforeſaid laſt offending, to the houſe of correction within the county, diviſion, limits, corporation, or liberty, where ſuch offence, as is laſt mentioned ſhall be committed, there to remain to be ſet and kept at hard labour, without bail or mainprize, for any time not exceeding one month, unleſs ſuch offender, as is laſt mentioned, ſhall ſooner pay ſuch forfeiture or forfeitures to the ſaid juſtice or juſtices of the peace or chief magiſtrate.

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ing, to uſes aforeſaid, if not paid immediately on conviction, ſent to houſe of correction for a month, if not paid ſooner.

IV. Provided always, and be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the maſter, lieutenant, or commiſſioners of his Majeſty's ordnance for the time being, or any other perſon or perſons, to be by them, or any of them authorized, to give orders and directions for the making any ſorts of fire-works, to be uſed and fired according to ſuch orders and directions as ſhall be from time to time given by the ſaid maſter, lieutenant, or commiſſioners of his Majeſty's ordnance, or any other perſon or perſons to be by them for that purpoſe authorized; any thing herein contained to the contrary in any wiſe notwithſtanding.

Officers of the ordnance excepted.

V. And be it further enacted by the authority aforeſaid, That if any perſon be at any time ſued for putting in execution this act, or any the powers therein contained, that then ſuch perſon ſo ſued ſhall and may plead the iſſue of not guilty, and give the ſpecial matter in evidence; and if the plaintiff in ſuch ſuit or action be nonſuited, or a verdict paſs for the defendant, or if ſuch plaintiff diſcontinue his action, or if upon a demurrer judgment be given for the defendant, every ſuch defendant ſhall have his full treble coſts to be paid by ſuch plaintiff, and the like execution for the ſame as in any caſe, where coſts are given at law for the defendant.

Perſons ſued for acting may plead general iſſue, &c.

and have treble coſts.

A. D. 1731.

CHAP. XIII.

An act for the better regulation and government of ſeamen in the merchants ſervice.

2 G. 2. 36. *Eng.*

Deſertion of mariners from merchant's ſervice, and neglect of duty, prejudice to owners and diſcouragement to navigation and trade.

WHEREAS the welfare and riches of this kingdom, and the livelyhoods of great numbers of artificers and manufacturers therein, depend on the trade and navigation thereof: and whereas for ſeveral years laſt paſt the navigation carried on by the merchants to parts beyond the ſeas hath been, and doth ſtill remain, under very great difficulties and expences by the uncertainty they labour under by ſeamen and mariners, who ſhip themſelves on board merchant ſhips, and, after they have ſo done, neglect their duty, and will not remain on board their ſhips or veſſels to diſcharge their duty; and very often, when ſhips and veſſels come to be cleared out in order to proceed on their reſpective voyages, the ſeamen refuſe to proceed with them without coming to new agreements for increaſing their wages, and many of them will leave their ſhips and veſſels and not proceed on their voyages; which puts the owners of ſuch ſhips and veſſels to great trouble and charges to get other ſailors or mariners in their ſtead, and often is a means to overſet the voyages of ſuch ſhips and veſſels, to the great prejudice of the owners and freighters of the goods on board the ſaid ſhips and veſſels; and yet ſuch ſeamen and mariners, after they have committed ſuch offences and diſorders, will bring actions againſt the owners or maſters of the ſaid ſhips and veſſels for recovery of their wages from the time of their ſhipping themſelves, unto the time they quit the ſaid ſhips and veſſels: and whereas many of the ſaid ſeamen and mariners will neglect their duty when on board at ſea, and deſert their ſhips and veſſels in foreign parts, which puts the ſaid owners of ſhips and veſſels to very great difficulties and expences to get others in their ſtead to bring their ſhips and veſſels home; and afterwards ſuch ſeamen and mariners inſiſt on recovering their wages notwithſtanding their voluntary deſertion; all which is a great diſcouragement to trade and navigation: therefore to prevent ſuch practices for the future, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the twenty fifth day of April one thouſand ſeven hundred and thirty two it ſhall not be lawful for any maſter or commander of any ſhip or veſſel, bound to parts beyond the ſeas, to carry any ſeamen or mariners, except

No maſter of a ſhip ſhall carry mariners, except his apprentices, to ſea, without previous contract in writing for wages, and expreſſing the voyage,

cept his apprentice or apprentices, to ſea from the port or place where he or they were entred or ſhipped to proceed on any voyage to parts beyond the ſeas, without firſt coming to an agreement or contract with ſuch ſeamen or mariners for their wages; which agreement or agreements ſhall be made in writing, declaring what wages each ſeaman or mariner is to have reſpectively during the whole voyage, or for ſo long time as he or they ſhall ſhip themſelves for, and alſo to expreſs in the ſaid agreement or contract the voyage, for which ſuch ſeaman or mariner was ſhipped to perform the ſame; and in caſe any maſter or commander of any ſhip or veſſel ſhall carry out any ſeaman or mariner, except his apprentice or apprentices, upon any voyage to parts beyond the ſeas without firſt entring into ſuch agreement or contract as aforeſaid, and he and they ſigning the ſame, ſuch maſter or commander ſhall forfeit and pay the ſum of five pounds for every ſuch ſeaman and mariner, which he ſhall carry to ſea without entring into ſuch agreement in writing as aforeſaid; to be recovered upon information on the oath of one or more witneſs or witneſſes before any one or more of his Majeſty's juſtice or juſtices of the peace, who are hereby authorized and required to iſſue out his or their warrant or warrants to bring before him or them ſuch maſter or commander of any ſuch ſhip or veſſel; and, in caſe he or they refuſe to pay ſuch penalty or forfeiture as aforeſaid, to grant his or their warrant or warrants to levy the ſame by diſtreſs and ſale of the offenders goods; and, in caſe no diſtreſs can be found, to commit the offender or offenders to the common goal of the city, county, town, or place, there to remain until he or they ſhall pay the ſame; ſuch forfeiture to be to the uſe of the Blue coat-hoſpital and Free-ſchool of King Charles the ſecond in Dublin.

Penalty 5 l. every mariner;

on information on oath before a juſtice,

on non-payment, levied by diſtreſs,

or impriſonment till paid,

to blue-coat-hoſpital and K. C. 2d. free-ſchool.

II. And be it further enacted by the authority aforeſaid, That if any ſeaman or mariner enter or ſhip himſelf on board any merchants ſhip or veſſel on any intended voyage for parts beyond the ſeas, he or they ſo entring themſelves as aforeſaid ſhall, and they are obliged to, ſign ſuch agreement or contract within three days after he or they have entred themſelves on board any ſhip or veſſel in order to proceed on any voyage as aforeſaid; which agreement or agreements, or contracts, after the ſigning thereof ſhall be concluſive and binding to all parties for and during the time and times ſo agreed or contracted for to all intents and purpoſes; any cuſtom or uſage to the contrary in any wiſe notwithſtanding.

Mariners to ſign the agreement in 3 days after entred on board;

the agreement binding during the time, notwithſtanding any cuſtom.

III. And be it enacted and declared by the authority aforeſaid, That in caſe any ſeaman or mariner ſhall deſert or refuſe to proceed on the voyage on board any ſhip or veſſel bound to parts beyond the ſeas as aforeſaid, or ſhall deſert from the ſhip or veſſel, to

Mariners deſerting, or refuſing to proceed, forfeit to owners wages due.

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to which he or they ſhall belong, in parts beyond the ſeas, after he or they have ſigned ſuch contract or agreement, he or they ſhall forfeit to the owners of ſuch ſhip or veſſel the wages, which ſhall be due to him or them at the time of his or their deſerting ſuch ſhip or veſſel, or obſtinately refuſing to proceed on ſuch voyage.

any juſtice, on application by the maſter, &c. may iſſue warrant to apprehend mariners deſerting,

IV. And be it further enacted by the authority aforeſaid, That in caſe any ſuch ſeaman or mariner ſhall deſert or abſent himſelf from any ſuch ſhip or veſſel, after he or they have entred into and ſigned ſuch contract or agreement to proceed upon any voyage to parts beyond the ſeas as aforeſaid, upon application made to any of his Majeſty's juſtices of the peace within their reſpective juriſdictions by the maſter or commander, owner or owners, or other perſon or perſons having charge of the ſaid ſhip or veſſel, to which ſuch ſeaman or mariner did belong; it ſhall and may be lawful for ſuch juſtice or juſtices, and they are hereby required, to iſſue forth his or their warrant or warrants to apprehend ſuch ſeamen or mariner; and in caſe he or they ſhall refuſe to proceed on the voyage, which he or they entred into contract or agreement to perform as aforeſaid, and ſhall not give a ſufficient reaſon for ſuch refuſal to the ſatisfaction of ſuch juſtice or juſtices, then to commit ſuch ſeaman or mariner to the houſe of correction, there to be kept to hard labour not exceeding thirty days, nor leſs than fourteen days; any thing to the contrary notwithſtanding.

and for want of ſatisfactory reaſon, ſend to houſe of correction, not above 30, nor leſs than 14 days.

abſenting without leave of maſter, &c. forfeit 2 days pay for every day.

V. And be it enacted by the authority aforeſaid, That in caſe any ſeaman or mariner ſhall abſent himſelf from the ſhip or veſſel, to which he ſhall belong, without leave from the maſter or commander, or other chief officer having charge of ſuch ſhip or veſſel, every ſuch ſeaman or mariner ſhall for every ſuch day's abſence forfeit two days pay; to be recovered, applied, and diſpoſed, of as herein is directed.

leaving the ſhip after arrival, without a diſcharge in writing from the maſter, &c. not entring into the King's ſervice, forfeit 1 months pay. 7 G. 2. 7. 9 G. 2. 6.

VI. And whereas ſeamen and mariners after their ſhips arrival at their unlivering port in this kingdom oftentimes leave the ſhips and veſſels, before they are unladen, or before the ſaid ſeamen and marines are diſcharged by the maſters or commanders of ſuch ſhips and veſſels: in order to prevent ſuch practices for the future be it further enacted by the authority aforeſaid, That in caſe any ſeaman or mariner, not entring into the ſervice of his Majeſty, his heirs and ſucceſſors, ſhall leave ſuch ſhip or veſſel, to which he or they belong, before he or they ſhall have a diſcharge in writing from the maſter or commander, or other perſon having the charge of ſuch ſhip or veſſel, he or they ſo leaving ſuch ſhip or veſſel ſhall forfeit one months pay; to be recovered, applied, and diſpoſed of, as herein after is directed.

VII. And

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VII. And be it further enacted by the authority aforeſaid, That upon the arrival of any ſhip or veſſel into this kingdom from parts beyond the ſeas the maſters or commanders of ſuch ſhips or veſſels ſhall be, and they are hereby, obliged to pay the ſeamen and mariners belonging to ſuch ſhips or veſſels their wages (if demanded) in thirty days after ſuch ſhips or veſſels being entred at the Cuſtom-houſe, except in caſe where a covenant ſhall be entred into to the contrary, or at the time the ſaid ſeamen and mariners ſhall be diſcharged (which ſhall firſt happen) if demanded, deducting out of ſuch wages the penalties and forfeitures by this act impoſed, under the penalty of paying to each ſeaman or mariner, that ſhall be unpaid contrary to the intent and meaning of this act, twenty ſhillings over and above the wages that ſhall be due to each perſon; to be recovered by the ſame means and methods as the wages may be recovered; and ſuch payment of wages as aforeſaid ſhall be good and valid in law, notwithſtanding any action, bill of ſale, attachment, or incumbrance whatſoever.

Maſters on arrival ſhall pay wages in 30 days after entry at Cuſtom-houſe (unleſs covenant to the contrary) or at time of diſcharge, (which firſt happens) if demanded; deducting penalties;

Penalty to each mariner unpaid 20 s. above wages, recovered as wages.

Such payment of wages good, notwithſtanding any action, &c.

VIII. And be it further enacted by the authority aforeſaid, That no ſeaman or mariner by entring into or ſigning ſuch contract or agreement as aforeſaid ſhall be deprived of or hindred from uſing any means or methods for the recovery of wages againſt any ſhip, the maſter or owners thereof, which he may now lawfully make uſe of; and that in all caſes where it ſhall or may be neceſſary, that the contract or agreement in writing aforeſaid ſhall be produced in court, no obligation ſhall lie on any ſeaman or mariner to produce the ſame, but on the maſter, owner or owners, of the ſhip, for which the wages ſhall be demanded; and no ſeaman or mariner ſhall fail in any ſuit, action, or proceſs for recovery of wages for want of ſuch agreement or contract being produced; any law, uſage, or cuſtom, to the contrary notwithſtanding.

Mariners by ſaid agreement not deprived of other remedies for wages;

Maſter, &c. not mariner, obliged to produce the agreement.

IX. And be it further enacted by the authority aforeſaid, That the maſters, or commanders, or owners of any ſhips or veſſels, ſhall, and they hereby have full power to, deduct out of the wages of any ſeaman or mariner all the penalties and forfeitures to be incurred by ſuch ſeaman or mariner by virtue of this act, and to enter them in a book or books to be kept for that purpoſe, and to make oath (if required) to the truth thereof; which book or books ſhall be ſigned by the ſaid maſter or commander of each ſhip or veſſel reſpectively, and two or more principal officers or ſailors belonging to ſuch ſhips or veſſels, ſetting forth that the penalties and forfeitures in ſuch book or books are the whole penalties and forfeitures ſtopt from any ſeaman or mariner during the whole voyage; which penalties and forfeitures, except the forfeitures

Maſters, &c. ſhall deduct penalties out of wages,

and enter in a book,

and make oath, if required,

the book ſigned by maſter and two principal officers.

Said forfeitures (except wages for deſertion) to

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tures of wages to the owners on the deſertion of any ſeaman or mariner, or on refuſing to proceed on the voyage, ſhall go to and be applied to the uſe of the Bluecoat-hoſpital and Free-ſchool of King Charles the ſecond in Dublin, and not otherwiſe; to be paid and accounted for by the maſters and commanders of ſhips and veſſels coming from parts beyond the ſeas to the collector at each port, where ſuch ſhip or veſſel ſhall be entred, who collects the ſix pence *per* month deducted out of ſeamens wages for the uſe of the hoſpital at Greenwich; which collector ſhall have and hereby hath full power to adminiſter an oath to every commander or maſter reſpectively touching the truth of ſuch penalties and forfeitures, to be paid, applied, and diſpoſed of as aforeſaid.

Bluecoat-hoſpital and K. C. 2d. free-ſchool.

paid by maſter to the collector of 6d. *per* month out of ſeamens wages for Greenwich-hoſpital, (*by* 7 & 8 *Wil.* 3. 21. *Sec.* 10. *Eng.* & 10 *Anne* 17. *Eng.* & 2 *G.* 2. 7. *Eng.*)

X. And be it further enacted by the authority aforeſaid, That in caſe any maſters, or commanders, or owners of any ſhips or veſſels ſhall deduct out of the wages of any ſeaman or mariner any of the penalties and forfeitures, which by this act are directed to be deducted and applied to and for the uſe of the ſaid hoſpital, and ſhall not pay the money ſo deducted to the collector of the port, where ſuch ſhip ſhall be entred, within three months after ſuch deduction; every perſon, ſo neglecting to pay the money ſo deducted as aforeſaid, ſhall forfeit and pay treble the value thereof to the uſe of the ſaid hoſpital; which together with the money deducted as aforeſaid ſhall and may be recovered by the ſame means and methods as any penalties and forfeitures, for not duly paying the ſaid herein before mentioned ſix pence *per* month, can or may be recovered.

who may adminiſter oath.

Maſter not paying to collector in 3 months forfeits treble, to ſaid hoſpital

XI. And be it further enacted by the authority aforeſaid, That this act ſhall be deemed and taken to be a publick act; and all judges and juſtices are hereby obliged to take notice of it as ſuch without ſpecial pleading the ſame.

This a publick act.

XII. Provided always, and be it enacted by the authority aforeſaid, That this act ſhall continue and be in force for the ſpace of two years, to be reckoned from the ſaid twenty fifth day of April one thouſand ſeven hundred and thirty two, and from thence to the end of the then next ſeſſion of Parliament, and no longer.

Continuance 2 years, &c. 7 *G.* 2. 7. *continued to* 25 *March* 1735, &c. 9 *G.* 2. 6. 31 *G.* 2. 9. *revived and continued* 2 *years*, &c.

XIII. Provided that nothing in this act contained ſhall extend, or be conſtrued to extend, to debar any ſeaman or mariner belonging to any merchant ſhip or veſſel from entring or being entred into the ſervice of his Majeſty, his heirs and ſucceſſors, on board of any of his or their ſhips or veſſels; nor ſhall ſuch ſeaman or mariner for ſuch entry forfeit the wages due to him during the time of his ſervice in ſuch merchant ſhip or veſſel; nor ſhall ſuch entry be deemed a deſertion.

1 *G.* 3. 17. *to* 1 *May* 1767, &c. not to debar mariners from entring King's ſhips, which not forfeiture of wages, or deſertion.

CHAP.

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CHAP. XIV.

An Act to explain and amend an act, intituled, [*An act for the better regulating the work-houſe of the city of Dublin, and to regulate and provide for the poor thereof, and to prevent miſchiefs which may happen by keeping gun-powder within the ſaid city*;] *and alſo for explaining and amending one other act*, intituled, [*An act for the better enabling the governors of the work-houſe of the city of Dublin to provide for and employ the poor therein, and for the more effectual puniſhment of vagabonds; and alſo for the better ſecuring of and providing for lunaticks and foundling children.*]

WHEREAS by an act made in this kingdom in the firſt year of his Majeſty's reign, intituled, *An act for the better regulating the work-houſe of the city of Dublin, and to regulate and provide for the poor thereof, and to prevent miſchiefs which may happen by keeping gun-powder within the ſaid city:* it is enacted, "That there ſhall be charged upon and paid for all and every the "houſes within the ſeveral pariſhes of the city of Dublin, and "within the liberties of Saint Sepulchres, Thomas-court, and "Donore, thereto adjoining, and within the liberties of Chriſt-"Church and Saint Patrick's, the ſum of three pence in the "pound for every pound of the yearly value of every ſuch houſe "or houſes, as the valutions are returned for the collection of "miniſters money in the city and liberties aforeſaid; and, where "no ſuch valuation is or ſhall be returned, the ſum of three "pence in the pound *per annum* according to the rent payable "by the tenants in poſſeſſion; and in caſe ſuch rent is only a "ground-rent, then according to the rent that ſuch houſe might "be reaſonably let for to a ſolvent tenant, ſuch rent to be aſcer-"tained by four of the pariſhioners to be named by the church-"wardens; and that the ſaid three pence *per* pound ſhall be "payable and paid for and during the term of twenty one years, "to commence from the firſt day of May one thouſand ſeven "hundred and twenty eight, and from thence ſhall continue to "the end of the next ſeſſion of Parliament after the ſaid one and "twenty years, and be a charge on the inhabitant or inhabitants "of every houſe or houſes, and ſhall be levied by diſtreſs or "otherwiſe by the church-wardens of the reſpective pariſhes, and "in places *extra parochial* by the church-wardens of the adjoin-"ing pariſh, at ſuch time and in ſuch manner as the miniſters "money in the ſaid city is levied:" and whereas the collecting the

19 G. 2. at.

1 G. 2. 21. Sec. 24. recited.

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Tax thereby granted inconvenient to church-wardens, and great arrears thereof.

the ſaid tax for the uſe of the ſaid work-houſe hath been found burthenſome and inconvenient to the church-wardens of the ſeveral pariſhes of this city, and great arrears remain as well in their hands as in the hands of the ſeveral perſons, from whom they ought to collect the ſame, to the great detriment of the work-houſe: for remedy whereof be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the governors of the ſaid work-houſe in and by the ſaid act appointed, or any fifteen or more of them, ſhall and may and they are hereby authorized and impowered to conſtitute and appoint ſuch and ſo many perſons, as they ſhall judge neceſſary, to collect and receive for the uſe and benefit of the ſaid work-houſe from the inhabitant or inhabitants of each and every houſe in the ſeveral pariſhes of this city, and within the liberties of Saint Sepulchres, Thomas-court, and Donore, thereto adjoining, and within the liberties of Chriſt-church and Saint Patrick's, the before mentioned ſum of three pence in the pound for every pound of the yearly value of every ſuch houſe or houſes, as the valuations are returned for the collection of miniſters money in the city and liberties aforeſaid, and, where no ſuch valuation is or ſhall be returned, the like ſum of three pence in the pound *per annum* according to the rent payable by the tenants in poſſeſſion; and in caſe ſuch rent is only a ground rent, then according to the rent that ſuch houſe might be reaſonably ſet for to a ſolvent tenant, to be aſcertained as aforeſaid; which ſaid ſum of three pence in the pound ſhall be levied and received by the perſon or perſons ſo conſtituted by the ſaid governors, or any fifteen or more of them, for the uſe of the governors of the work-houſe of the city of Dublin, by ſuch ways, means, and methods as the church-wardens of the ſaid ſeveral pariſhes were by the ſaid recited act directed and required to collect and receive the ſame; and that the ſaid governors, or any fifteen or more of them, do and ſhall pay and allow unto the perſon or perſons ſo appointed to receive the ſaid tax, ſuch ſalary or ſalaries as they ſhall judge neceſſary, not exceeding the ſum of ſix pence for each and every twenty ſhillings that he or they ſhall actually collect and receive in purſuance of this act.

15 governors of the work-houſe may appoint other perſons inſtead of church-wardens to collect the tax of 3 d. *per* pound on houſes as by ſaid act.

allowing ſalary not above 6 d. *per* pound.

II. And whereas in and by another act of Parliament made in this kingdom in the third year of his Majeſty's reign, intituled, *An act for the better enabling the governors of the work-houſe of the city of Dublin to provide for and employ the poor therein, and for the more effectual puniſhment of vagabonds; and alſo for the better ſecuring of and providing for lunaticks and foundling children*; it is enacted, "That for the relief and maintenance of the ſaid "foundling

3 G. 2. 17. ſec. 7. recited.

" foundling children till they ſhould arrive to the age of ſix years, A. D.
" all and every houſe and houſes in the ſaid city and liberties 1731.
" thereunto adjoining, already charged and to be charged by the Chap. 14.
" ſaid firſt mentioned act with the ſum of three pence in the
" pound for every pound of the yearly value of every ſuch houſe
" or houſes, as the valuations are returned for the collection of
" miniſters money in the city and liberties aforeſaid, and where
" ſuch houſes are not valued to the miniſter, according as they
" are or are to be valued after the manner appointed by the ſaid
" act, be from and after the twenty fifth day of March, which
" will be in the year of our Lord one thouſand ſeven hundred
" and thirty charged with an additional ſum of three pence in
" the pound, according to the ſaid proportion, to be paid to the
" governors of the ſaid work-houſe, and to be collected, account-
" ed for, and paid by the church-wardens of the ſaid reſpective
" pariſhes, after the ſame manner, and under the like forfeitures
" and penalties, as the former ſum of three pence in the pound
" was appointed to be collected by that and the ſaid former act;
" which ſaid additional three pence ſhould be levied, collected,
" and raiſed for the uſes aforeſaid for the term and ſpace of two
" years, and from thence to the end of the then next ſeſſion of
" Parliament, and no longer;" which ſaid fund, by the laſt recited act appointed for the maintenance and relief of the ſaid foundling children, will expire the twenty fifth day of March one thouſand ſeven hundred and thirty two, or at the end of the then ſeſſion of Parliament: and whereas the ſaid act hath been found to be of great benefit for the charity thereby intended, and is therefore fit to be continued: be it enacted by the authority aforeſaid, That the ſaid additional ſum of three pence in the pound, by the ſaid laſt recited act directed and appointed to be raiſed and paid for the relief and maintenance of the ſaid children, ſhall continue, and be levied, collected, and raiſed for the uſes aforeſaid for the like time and term, as the other duty of three pence in the pound firſt above mentioned is in and by the ſaid act, intituled, *An act for the better regulating the work-houſe of the city of Dublin, and to regulate and provide for the poor thereof, and to prevent miſchiefs which may happen by keeping gun-powder within the ſaid city*, directed to continue; and during the ſaid term no money ſhall be levied by veſtry for the maintenance of foundlings in the city of Dublin and liberties adjoining; any law uſage, or cuſtom, to the contrary notwithſtanding.

the additional 3 d. *per* pound thereby granted for maintenance of foundlings continued for the like term as the other duty by 1 *G.* 2. 27. 19 *G.* 2. 21. *continued* 21 *years*, &c.

during which no money levied at veſtry in Dublin for foundlings.

III. And be it enacted by the authority aforeſaid, That the ſaid governors, or any fifteen or more of them, ſhall and may conſtitute and appoint one or more receiver or receivers of the ſaid laſt mentioned tax or additional ſum of three pence in the pound,

15 governors may appoint receivers thereof, to collect and account as church-wardens by ſaid acts.

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pound, who shall have full power and lawful authority to collect and distrain for the aforesaid tax for the maintenance of the foundlings by the same ways, means, and methods, as the church-wardens of the said several parishes whose by the said recited acts or either of them directed and required to collect and receive the same, and shall account for and pay the same to the governors of the said work-house for the uses aforesaid in such manner, as the church-wardens of the said respective parishes were obliged and directed to do in and by the said recited acts, or either of them; which receiver or receivers, so appointed to collect the said additional sum of three pence in the pound, shall have, receive, and be paid for his and their care and trouble in such collection a sum not exceeding six pence for every twenty shillings, he or they shall actually receive.

Salary not above 6 d. *per.* pound.

Church-wardens not valuing houses in 1 month after notice, or not accounting on oath, approved by 15 governors.

IV. And whereas several church-wardens have neglected to value houses obliged to pay to the work-house: for remedy whereof be it enacted by the authority aforesaid, That if any church-wardens shall not in the space of one month after notice given them by the court of assistants, or their officer, value such house or houses, as they shall from time to time signify as aforesaid, or if any of the church-wardens aforesaid shall hereafter refuse or neglect to make up their parish-accounts upon oath, in respect of what is now or shall hereafter be due from their parishes respectively to the governors of the work-house for the use of the said house and foundlings therein maintained, then such church-warden or church-wardens, refusing or neglecting as aforesaid after one month being served with notice as aforesaid from the said court or by their officer, and not rendring a fair and just account upon oath, to be approved of by the said governors, or any fifteen or more of them, shall forfeit the sum of fifty pounds for every such default; to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record in Dublin, to be applied to the use of the said work-house.

Penalty 50 l. to the work-house.

1 G. 2. 27. *Sec.* 15.

V. And whereas in and by the said first recited act it is enacted, "That all brewers drays, or carrs and carts, and carrs usually plying for hire within the said city and liberties aforesaid, "from and after the first day of May one thousand seven hundred and twenty eight should be licensed by the said governors, "fifteen at least being present, and upon every such license there "should be reserved to the said governors the several sums following: (that is to say) for every such cart, brewers dray, or "carr, the sum of twenty shillings, and for every other carr ten "shillings, the same to be paid quarterly as by the said act or "acts is directed:" and whereas several of the brewers in and about this city instead of carrying their drink on such carrs, as they

they uſed to do, now make uſe of cairs, which have figures, and ply for hire as town cars, whereby the governors of the ſaid work-houſe are deprived of one half of the revenue by the ſaid act or acts intended to be raiſed on brewers drays and cairs for the uſe of the ſaid work-houſe contrary to the tenor and intent of the ſaid act: for remedy whereof be it enacted by the authority aforeſaid, That from and after the twenty fifth day of March one thouſand ſeven hundred and thirty two every carr and other carriage whatſoever, that ſhall be employed or made uſe of by any publick brewer or brewers of ale or beer within the ſaid city or liberties thereunto adjoining, or within the town of Kilmainham, or the liberties thereof, in the carriage of any beer or ale for ſale, be licenſed by the ſaid governors, fifteen at leaſt being preſent; and upon every ſuch car or other carriage a mark of diſtinction or figure ſhall be placed in ſuch manner and form, as the ſaid governors, fifteen being preſent, ſhall judge proper; and upon every ſuch licenſe there ſhall be received annually to the ſaid governors the ſum of twenty ſhillings, to be paid quarterly on the twenty fourth of June, twenty ninth of September, twenty fifth of December, and twenty fifth of March yearly and every year, and ſhall be ſued for, levied, and recovered by ſuch ways, means, and methods, as the duty of twenty ſhillings yearly by the ſaid act or acts is directed; to be levied and paid by the owners of brewers drays and cars.

Brewers carrs, &c. in Dublin ſhall be licenſed by 15 governors;

and marked,

paying 20s. quarterly.

VI. And as to all manner of complaints that ſhall hereafter be made by any perſon or perſons againſt coachmen, chairmen, draymen, carters, and carmen, and as to coachmen and chairmens complaints againſt any perſon or perſons for non-payment of their hire, and for wilfully cutting, defacing, or breaking their coaches and chairs; be it enacted by the authority aforeſaid, That from and after the twenty fifth day of March one thouſand ſeven hundred and thirty two the ſaid court of aſſiſtants, or any five or more of them, ſhall have power and authority finally to hear and determine the matter of ſuch complaints upon oath; which oath the ſaid court of aſſiſtants, or any five or more of them, are hereby impowered to adminiſter, and to award ſatisfaction to the party grieved; and for non-payment to levy the ſame by diſtreſs upon the goods and chattels of the party, againſt whom ſuch complaints ſhall be made; and that the ſaid court of aſſiſtants, or any five or more of them, may be authorized and impowered by warrant under their hands and ſeals to award execution in ſuch and in as effectual manner, as the juſtices of the peace of the county of the city of Dublin, or the ſeneſchals in their reſpective liberties, are impowered to do againſt coachmen, chairmen, draymen, carters,

Complaints by or againſt coachmen, &c. determined on oath by 5 of court of aſſiſtants, 19 G. 2. 11.

who may award ſatisfaction,

and levy by diſtreſs,

as juſtices or ſeneſchals may for breach of by-laws by 1 G. 2. 27.

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carters, and carmen, for the breach of any ſtatute or by-laws made in purſuance and by virtue of the ſaid firſt recited act.

1 *G.* 2. 27. *Sec.* 11. recited,

VII. And whereas the before mentioned act made in the firſt year of his preſent Majeſty's reign recites, "That it was neceſ-"ſary for the ſupport of the ſaid work-houſe and maintenance "of the poor therein, that the ſeveral yearly rents payable for "coaches, chairs, carts, cars, brewers drays and carriages, and "the duties on houſes granted by a former act, which was then "expired, ſhould be revived;" and for that end it is thereby enacted, "That the ſaid governors of the ſaid work-houſe, fifteen "at leaſt being preſent, ſhould have power and authority to licenſe "all ſuch perſons, as ſhould keep, drive, or carry any hackney-"coach or coaches, chairs, or ſedans, and all carts or cars plying "for hire, and all brewers drays or cars within the ſaid city of "Dublin, or liberties thereunto adjoining; and that the number "of all hackney-coaches ſo to be licenſed ſhould not exceed two "hundred; and the number of chairs or ſedans ſo to be licenſed "ſhould alſo not exceed two hundred; and for every licenſe to "be granted for each coach a fine of five pounds ſhould be paid "to the governors of the ſaid work-houſe; and the licenſes granted "to continue for one and twenty years from the firſt day of May "one thouſand ſeven hundred and twenty eight; and upon every "of the ſaid licenſes for each ſuch coach there ſhould be reſerved "and made payable to the governors of the ſaid work-houſe and "their ſucceſſors the yearly rent of forty ſhillings, and for each "and every chair or ſedan forty two ſhillings, and no more, to be "paid quarterly as by the ſaid act is directed:"

Ring's-end cars, *&c.* plying for hire ſhall be licenſed;

VIII. And whereas ſince the paſſing of the ſaid act moſt of the coal-porters, dairymen, gardeners, and others in and about the city of Dublin, have put up high-backed cars, commonly called Ring's-end cars, chairs, chaiſes, and many ſuch like conveniences for the carriage of perſons to and from the city to the ſeveral outlets and places adjacent; and their number not being limitted by the ſaid beforementioned act, or any other law now in being, they are thereby become ſo numerous, that the fare and buſineſs of hackney coaches is greatly leſſened, inſomuch that licenſes for a conſideral number of the hackney-coaches, which by the before mentioned act were intended to be eſtabliſhed, are not taken out; whereby the ſaid work-houſe is not only deprived of the fines, which would be paid for ſuch licenſes, and the annual rents ariſing on thoſe coaches when licenſed, but alſo the publick of the conveniency of that number of coaches; the want of which is daily experienced: for remedy whereof be it enacted by the

the authority aforeſaid, That from and after the twenty fifth day of March, which will be in the year of our Lord one thouſand ſeven hundred and thirty two the ſaid governors of the ſaid work-houſe, fifteen at leaſt being preſent, ſhall have power and authority, and they are hereby impowered and required, under their common ſeal to licenſe all ſuch perſons, as ſhall keep or drive any high-backed car or cars, commonly called Ring's-end cars, chair or chairs, chaiſe or chaiſes, plying for hire within the ſaid city of Dublin, or liberties thereunto adjoining; and for every licenſe to be granted for every ſuch high-backed car, commonly called a Ring's-end car, chair, chaiſe, there ſhall be paid to the governors of the ſaid work-houſe the ſum of thirty ſhillings by way of fine for ſuch licence, before ſuch licenſe ſhall be delivered; and the licenſes for ſuch high-backed cars, called Ring's-end cars, chairs, or chaiſes, ſhall be granted to continue for ſuch term and time, as the licenſes for coaches, chairs, or ſedans, are to be granted by the ſaid before mentioned act, and no longer; aud ſhall be transferable or deviſable by the parties, to whom the ſame ſhall be granted, or by their executors, adminiſtrators, or aſſigns under the rents and covenants therein to be contained; and upon every of the ſaid licenſes for each and every ſuch high-backed car, called a Ring's-end car, chair, or chaiſe, there ſhall be reſerved and made payable to the governors of the ſaid work-houſe and their ſucceſſors the yearly rent or ſum of ten ſhillings, and no more; to be paid quarterly at the four uſual days of payment in the year, *viz.* on every twenty fourth day of June, twenty ninth day of September, twenty fifth day of December, and twenty fifth day of March in every year; with ſuch covenants, conditions, and proviſoes, therein to be inſerted for the more effectual payment thereof, as the ſaid governors in their diſcretions ſhall think fit.

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paying 30s. fine to work-houſe,

to continue for like term as licences for coaches, &c.

transferable or deviſeable,

reſerving to the governors 10 s. quarterly.

IX. And be it further enacted by the authority aforeſaid, That every high-backed car, commonly called a Ring's-end car, chair, or chaiſe, ſo to be licenſed in purſuance of this act, ſhall have a mark of diſtinction by a figure on a large ſquare tin plate, with the number in large figures in white, or otherwiſe as the ſaid governors ſhall think fit; which ſaid mark ſhall be placed on each ſide of every ſuch high-backed car, called a King's-end car, chair, or chaiſe, in ſuch manner as the ſaid governors ſhall direct; and if the owner or driver of any ſuch high-backed car, chair, or chaiſe, plying for hire as aforeſaid, ſhall ply or drive without ſuch mark of diſtinction or figure any ſuch high-backed car, chair, or chaiſe, or if any perſon or perſons ſhall blot out, deface, or change the mark or figure appointed

Ring's-end cars to be numbered, as governors direct.

Penalty 40s. on owner or driver, or perſon defacing it,

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pointed for ſuch high-backed car, chair, or chaiſe, as aforeſaid, every perſon or perſons ſo offending for every ſuch offence ſhall forfeit the ſum of forty ſhillings; one moiety whereof to go and be applied to the uſe and benefit of the informer, and the other moiety to the uſe of the corporation by the ſaid before mentioned act created for the uſe and benefit of the ſaid work-houſe; and ſhall be recovered in a ſummary way before the ſaid governors, fifteen at leaſt being preſent, on proof made before them on oath (which oath the ſaid governors are hereby impowered to adminiſter) after one ſummons to the party offending, and ſhall be levied by diſtreſs and ſale of the offenders goods by wnrrant under the hand and ſeal of ſuch governors, or any five of them, unleſs ſuch penalty be paid within ten days, after ſuch diſtreſs be taken: and in caſe no ſufficient diſtreſs can be had to anſwer the ſaid penalty, then the perſon or perſons ſo offending ſhall by warrant under the hands and ſeals of the ſaid goverhors, or any five of them, be ſent to the houſe of correction, there to be kept at hard labour for any term not exceeding one month.

to the work-houſe and informer,

before 15 governors, on oath, after 1 ſummons,

by diſtreſs and ſale, if not paid in 10 days,

or ſent to houſe of correction one month.

X. And whereas the owners or drivers not only of the ſaid high-backed cars, called Ring's-end cars, chairs, or chaiſes, but alſo the owners or drivers of hackney-coaches plying for hire in this city and the liberties thereto adjoyning, are become extravagant in their demands for want of fixed prices for ſetting down perſons within one or more miles of the city of Dublin: for remedy whereof be it enacted by the authority aforeſaid, That from and after the twenty fifth day of March, which will be in the year of our Lord one thouſand ſeven hundred and thirty two, the governors of the work-houſe of the ſaid city of Dublin, or any fifteen or more of them, ſhall have power and authority, and they are hereby authorized and impowered, to make rules and by-laws for the adjuſting and aſcertaining the fare or hire of ſuch Ring's-end cars, chairs, or chaiſes, in the city of Dublin, or any where within ſeven miles of the ſame; and that the ſaid governors, or any fifteen or more of them, ſhall have power and authority, and they are hereby alſo authorized and impowered to make rules and by-laws for the ſettling coachmens fare or hire for carriage to any place within three miles of the ſaid city of Dublin: ſo as ſuch rules and by-laws be approved of by the lord high chancellor or lords commiſſioners of the great ſeal, and the three chief judges for the time being, or any three of them.

To prevent extravagant demands by drivers of coaches, &c.

15 governors may aſcertain the fare of Ring's-end cars in Dublin or within 7 miles,

and of coaches within 3 miles, approved by lord chancellor, &c.

XI. And

XI. And whereas ſeveral perſons have taken out licenſes for drays, carts, and cars, from the governors of the work-houſe, who live in the county of Dublin, and refuſe to pay the ſeveral ſums due by them reſpectively; by means of which the revenue payable as aforeſaid is greatly decreaſed: for remedy whreeof be it enacted by the authority aforeſaid, That if any perſon or perſons, who have already or ſhall hereafter take out licenſes for drays, carts, and cars, from the governors of the work-houſe, and who do or ſhall reſide in the county of Dublin, ſhall refuſe to pay the ſeveral ſums due from them reſpectively, then and in ſuch caſe it ſhall and may be lawful to and for the ſaid court of aſſiſtants, or any five of them, by warrant under their hands and ſeals to levy ſuch ſum or ſums by diſtreſs upon the goods and chattels of ſuch perſon or perſons reſiding in the county of Dublin, and refuſing or neglecting to pay the ſame by the ſpace of twenty one days after the time reſpectively appointed for payment thereof as aforeſaid.

Perſons taking out licences for drays, carts, and cars, reſiding in county of Dublin, and not paying in 21 days, levied by diſtreſs.

XII. And whereas by the great number of idle vagabonds and ſtrolling beggars that are from time to time committed to the work-houſe, it often happens that very great diſorders are committed therein: for remedy whereof be it further enacted by the authority aforeſaid, That the court of aſſiſtants, or any five or more of them, by warrant under their hands and ſeals ſhall have full power and lawful authority to commit perſons guilty of ſuch diſorders in the work-houſe to the goal or houſe of correction commonly called Bride-well near the city of Dublin, and to remove them to the ſaid work-houſe, as they ſhall judge neceſſary.

Perſons guilty of diſorders in the work-houſe may be committed to Bridewell, &c.

XIII. And be it further enacted by the authority aforeſaid, That if any action, ſuit, or information, ſhall be commenced or proſecuted againſt any perſon or perſons for any thing, that he or they ſhall do or cauſe to be done in purſuance of this act, or for executing any of the powers and authorities, or any of the orders and directions herein mentioned, all and every perſon and perſons, ſo ſued and proſecuted in any court whatſoever, ſhall and may plead the general iſſue, and give give this act and the ſpecial matter in evidence.

Perſons ſued for acting may plead general iſſue, &c.

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CHAP. XV.

An act for repairing the road leading from the city of Dublin to the town of Dunleer in the county of Lowth.

7 G. 2. 18. *made more effectual.*

WHEREAS the highway or road leading from the city of Dublin through the towns of Swords, Ballyrothery, Drogheda, and from thence to the town of Dunleer in the county of Lowth, by reaſon of ſeveral hollow ways, and of the many and heavy carriages frequently paſſing through the ſame, are become ſo ruinous and bad, that in the winter-ſeaſon many parts thereof are impaſſable for waggons, carts, carrs, and carriages, and very dangerous for travellers, and cannot by the ordinary courſe appointed by the laws and ſtatutes of this realm be effectually mended and kept in good repair: wherefore, and to the intent that the ſaid highways or roads may with convenient ſpeed be effectually amended, and hereafter kept in good and ſufficient repair, ſo that all perſons may travel through the ſame with ſafety; be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That for the better ſurveying, ordering, amending, and keeping in repair the ſaid highway or road it ſhall be in the power of his grace the lord primate of all Ireland, his grace the lord archbiſhop of Dublin, the right honourable Chaworth earl of Meath, the right honourable Edward earl of Drogheda, the right honourable Theobald earl of Carlingford, the right honourable Henry earl of Shelburn, the right honourable John lord viſcount Neterville, the right honourable Nicholas lord viſcount Kingſland, the right honourable Clotworthy lord viſcount Maſſareen, the right honourable James lord viſcount Charlemont, the right honourable Richard lord viſcount Moleſworth, the right honourable Guſtavus lord viſcount Boyne, the right honourable Trevor lord viſcount Hillsborough, the right honourable James lord viſcount Limerick, the right honourable Brabazon lord viſcount Duncannon, the right honourable William lord baron of Howth, the right honourable Cadwallader lord baron Blaney, the right honourable Henry lord baron of Santry, the right honourable John lord baron Bellew, the right reverend Ralph lord biſhop of Meath, the right honourable Sir Ralph Gore baronet, ſpeaker of the honourable the houſe of Commons, the right honourable James Tynte eſquire, the right honourable Sir Thomas Taylor baronet, the right honourable Marmaduke Coghill, the right honourable William Conolly, the honourable Henry Barry, the honourable

The road not to be repaired by the ordinary courſe.

For repair thereof truſtees appointed, 23 G. 2. 16. *may ſue, &c. as if incorporated.* *and muſt have* 50 *l.* per ann. *freehold, or* 1000 *l.*

nourable Henry St. Lawrence, the honourable William Moleſworth, the honourable Thomas Butler, the honourable John Skeffington, the honourable Arthur Hill, the honourable Humphry Butler eſquires, Sir Compton Domvile baronet, the honourable Henry Singleton eſquire, his Majeſty's prime ſerjeant, Thomas Trotter doctor of laws, James Coghill doctor of laws, Edward Bolton, Robert Roſs junior, Eyre Evans, Luke Gardiner, Thomas Carter, Edward Sale, Nathaniel Clements, Richard Warburton, Matthew Pennefather, Richard Dawſon, James Hamilton, William Brownlow, Robert Adair, Peter Ludlow, Charles Lambert ſenior, Richard Weiſly, Hugh Willoughby, Samuel Burton, Robert Percival, Thomas Taylor, Charles Lambert junior, Hugh Henry, Warner Weſtenra, James Sommervill, Charles Hamilton, James Whitſhed, Thomas Pearſon, Thomas Meredyth, Mark Anthony Morgan, John Preſton, Nathaniel Preſton, Hercules Rowley, the honourable Edward Brabazon, Abel Ram ſenior, Abel Ram junior eſquires, John Bowes eſquire ſollicitor-general, Thomas Jackſon, John Maxwell, Francis Lucas eſquires, doctor John Elwood, Williams Cunningham, William Graham, the honourable William Moore, Henry Mervyn, William Aſton, Arthur Dawſon, Thomas Forteſcue, Thomas Montgomery, Faithful Forteſcue, John Montgomery, Robert Parkinſon, Robert Rochford, Thomas Tenniſon, Robert Roſs ſenior, William Stannus, Henry Townley, Brabazon Newcomen, Robert Cope, James Stevenſon junior, Arthur Dobbs, George Tomkins, James Stevenſon ſenior eſquires, Sir Edward Baillie baronet, Benedict Arthur, John Macarell, Robert Myre, Ralph Sampſon, Abraham Sherigley, Edward Swan, Plunket Plunket, Edward Dering, Boleign Whitney, William Aldrich, Thomas Montgomery, Thomas Gonne, Robert Cooke eſquires, Sir Robert Echlin baronet, Audley Mervyn, Richard Forſter, Arthur Mervyn eſquires, colonel Phineas Bowles, George Pepper, Henry Osborne, David Nixon, John Curtis, John Coddington, William Sheppard, George Cuppadge, Richard Gorges, Robert Saunders eſquires, the reverend John Singleton, William Roberts doctor of laws, Robert Walter, Arthur Dillon, Joſeph Bury, Walter Burton, Percival Hunt, William Cooper, Enoch Sterne, Hartley Hutchinſon, Charles Anneſly eſquires, the reverend Hugh Wilſon, Walter Dawſon, Palfrey Higgins, Henry Hatch, Thomas Jones eſquires, captain Dowcra Brookes, captain Robert Cooke, captain Hugh Montgomery, the reverend John Jackſon, the reverend Robert Gratton, alderman Richard Gratton, the reverend John Gratton, alderman Thomas Cheatham, alderman William Quaile, the reverend John Echlin clerk, the reverend James King clerk, alderman Henry Ogle, alderman John Leigh, alderman Francis Leigh, alderman John Haden,

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Haden, alderman John Godfrey, alderman Thomas Sandisford, the honourable Michael Ward esquire, one of the justices of his Majesty's court of King's bench, the reverend Rowley Singleton, the reverend Mr. John Wynne, Jeremiah Smith, Henry Bellingham senior, Henry Bellingham junior, John Forster, Edward Bellew, John Southerby, Nicholas Moore, William Mercer, John Hamilton, William Ruxton, Richard Geering, Richard Tisdall senior, Philip Tisdall, Thomas Tipping, Charles Barry, Richard Hansard, William Price, Solomon White, Martin Sinnott, Montague Lambert, James Blackwood, John Taafe, Chappel Dawson, Hamilton Townley, James Tisdall, Stephen Sibthorpe, Robert Needham, William Ludlow, Robert Magill, Cromwell Price, Francis North, John Stothard esquires, the honourable general Price, John Moore esquire, James Wilkinson, Edward Folie, Thomas Butler senior, Eleazer Pearson, Theophilus Crofton, ——— Taylor of Swords, Richard Blair, Erasmus Cope, Alexander Hamilton, Andrew Caldwell, George Gonne, Thomas Meagher, Thomas Simpson, William Mc. Causland, John Baily, John Ker, John Walker, Thomas Brewer, John Rogers, John Brunckard gentlemen, William Moore esquire, Elisha Charles, Samuel Cooper, John Hatch, Edward Mead, Edward Hall, William Ogle, Richard Jebb, Michael Moore, William Graves, Brabazon Eccleston, John Donnellan, Christopher Moore, Thomas Aston, Thomas Baker, Jeremiah Paterson, William Owens, John Giles, Nicholas Price, John Blair, Anthony Donagh, and Eliphal Dobson gentlemen, who are hereby nominated and appointed trustees of the said roads, and the survivors of them, that they, or any seven or more of them, or such person or persons as they, or any seven or more of them, shall authorize and appoint, shall and may erect, or cause to be erected, one or more gate or gates, turnpike or turnpikes, in, upon, or across any part or parts of the said highways or roads; and also a toll-house or toll-houses, and there shall receive and take the tolls and duties following before any horse, mare, gelding, ass or mule, cattle, coach, berlin, chariot, calash, chaise, chair, waggon, wain, cart, carr, or other carriage, shall be permitted to pass through the same: *viz.* for every coach, berlin, chariot, calash, chaise, or chair, drawn by six horses or more, the sum of one shilling; and for every coach, berlin, chariot, calash, chaise, or chair, drawn by any less number of horses than six, and more than one, the sum of six pence; for every waggon, wain, cart, or carriage with four wheels, the sum of one shilling; for every wain, cart, or carriage with two wheels, having more than one horse, mare, or gelding, ass or mule, the sum of three pence; for every carriage commonly called a chair or chaise with one horse, mare, or gelding, the sum of three pence; for every carr or other

any 7, or such as they appoint, may erect gates, turnpikes, and toll-houses,

and take toll, 7 *G.* 2. 18. *altered.*

1 s. for a coach, &c. and 6.

6 d. for less than 6.

1 s. a 4 wheeled waggon, &c.

3 d. if 2 wheeled, and above 1 horse.

3 d. a chaise and 1 horse.

other carriage having but one horſe, mare, or gelding, the ſum of one penny; for every horſe, mare, gelding, mule, or aſs, laden or unladen, and not drawing, one halfpenny; for every drove of oxen, or neat cattle, the ſum of ten pence *per* ſcore, and ſo in proportion for any greater or leſſer number; for every drove of calves, hogs, ſheep, or lambs, the ſum of five pence *per* ſcore, and ſo in proportion for any greater or leſſer number; which ſaid reſpective ſum and ſums of money ſhall be demanded and taken in the name of or as a toll or duty; and the money ſo to be raiſed as aforeſaid is and ſhall hereby be veſted in the ſaid truſtees, and the ſame and every part thereof ſhall be paid, applied, diſpoſed of, and aſſigned to and for the ſeveral uſes, intents, and purpoſes, and in ſuch manner, as is herein after mentioned and directed; and the ſaid truſtees, or any ſeven or more of them, are hereby impowered by themſelves, or any perſon or perſons by them, or any ſeven or more of them, under their hands and ſeals thereunto authorized, to levy the toll or duty hereby required to be paid upon any perſon or perſons, who ſhall after demand made thereof neglect or refuſe to pay the ſame, by diſtreſs of any horſe or horſes, or other cattle or goods, upon which ſuch toll or duty is by this act impoſed, or upon any other of the goods and chattles of ſuch perſon or perſons who ought to pay the ſame, and may detain and keep the ſame until ſuch toll or duty with the reaſonable charges of ſuch diſtraining or keeping ſhall be paid; and it ſhall and may be lawful to and for ſuch perſon or perſons ſo diſtraining after the ſpace of five days after ſuch diſtreſs made and taken to ſell the goods ſo diſtrained, returning the overplus (if any be) upon demand to the owner thereof, after ſuch toll, duty, and reaſonable charges for diſtraining and keeping the ſame ſhall be deducted and paid.

1 d. a carr, *&c.* and 1 horſe.

1 halfpenny a horſe not drawing.

Oxen, *&c.* 10d. *per* ſcore.

Calves, *&c.* 5 d.

The money veſted in the truſtees,

on non-payment after demand, levied by diſtreſs,

and ſale after 5 days.

II. And be it further enacted by the authority aforeſaid, That out of the firſt money ariſing from the profits of the ſeveral turnpikes ſo to be erected the ſaid truſtees, or any ſeven or more of them, ſhall firſt pay and diſcharge the expence of procuring this act of Parliament, and of erecting ſuch turnpike or turnpikes, or building ſuch toll-houſe or toll-houſes; and from and after ſuch charges and expences ſhall be fully ſatisfied and paid, that then and from thenceforth the profits ariſing and the toll to be collected at any turnpike or turnpikes, to be erected and ſet up on the ſaid road leading from the city of Dublin to the town of Dunleer ſhall be applied for and towards the repair of the ſaid road only, and not elſewhere.

The profits, after paying charges, laid out on repair of the road.

III. And be it further enacted by the authority aforeſaid, That if any perſon or perſons whatſoever, owning, renting, or occupying any land near unto any turnpike to be erected in purſuance of this

Owners of land adjoining giving a paſſage to avoid payment of toll,

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this act ſhall for gain, reward, or otherwiſe willingly permit any perſon or perſons whatſoever to paſs through any gate, paſſage, or way, with any coach, berlin, chariot, calaſh, chaiſe, or chair, waggon, wain, cart, carr, carriage, or riding or driving any horſe, aſs, mule, or any ſort of cattle, to avoid the payment of the toll hereby appointed to be paid, and be thereof convicted upon oath before the ſaid truſtees, or any ſeven or more of them, or before one or more juſtice or juſtices of the peace for the county, wherein ſuch offence or offences ſhall be committed, who are hereby impowered and required to adminiſter ſuch oath, every ſuch perſon ſhall forfeit and pay to the truſtees authorized to put this act in execution the ſum of ten ſhillings, to be levied by diſtreſs and ſale of the offenders goods by warrant under the hand and ſeal or under the hands and ſeals of the ſaid truſtees, or any ſeven or more of them, or ſuch juſtice or juſtices; rendering the overplus to the owner (if any be) the charges in taking and diſpoſing of the ſaid goods being firſt deducted.

Penalty 10 s. to the truſtees.

IV. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid truſtees, or any ſeven or more of them, to erect one or more gate or gates, turnpike or turnpikes, on the ſide of the ſaid highways or roads acroſs any lane or way leading out of the ſaid road, and toll-houſe or toll-houſes, and there to receive and take ſuch toll, as is appointed by this act to be taken, ſo as the ſame do not extend to a double charge in caſe of paſſing through any other of the turnpikes to be erected by virtue of this act between the ſaid city of Dublin and the town of Dunleer aforeſaid.

Gates, &c. may be erected on the ſide, croſs any way leading out of ſaid road,

and toll collected, ſo as no double charge.

V. And be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any ſeven or more of them at their firſt meeting, or any ſucceeding meeting, by writing under their hands and ſeals ſhall and may elect, nominate, and appoint one or more fit perſon or perſons to be receiver or receivers, collector or collectors, of ſuch money, in the name of ſuch toll or duty as ſhall be due and payable by virtue of this act, and alſo one or more fit perſon or perſons to be ſurveyor or ſurveyors to ſee the condition of the ſaid highway or road, and to ſee that the ſame be repaired and amended, and that the money ariſing and expended by virtue of this act be duly applied, and from time to time to remove ſuch collectors, receivers, and ſurveyors, or any or either of them, as they ſhall ſee occaſion, and appoint new ones in caſe of death or of ſuch removal; and ſuch perſon or perſons, as is or are by this act liable to pay the ſaid toll or duty, is and are hereby required to pay the ſame after the rates aforeſaid to the ſaid receiver or receivers, collector or collectors, of the ſaid toll or duty in that behalf from time to time appointed as aforeſaid; and the perſon or perſons ſo appointed as

7 truſtees at meeting may appoint and remove receivers and ſurveyors,

as aforeſaid for receiving the ſaid toll or duty, and all ſuch ſurveyor or ſurveyors as aforeſaid, ſhall upon oath, if thereto required by the truſtees or any ſeven or more of them, or before one or more juſtice or juſtices of the peace reſiding near the highway or road aforeſaid (which oath ſuch truſtees or any ſeven or more of them, or ſuch juſtice and juſtices, is and are hereby impowered and required to adminiſter) on the firſt Tueſday in every month, or oftner, if required, during the continuance of this act give in a true, exact, and perfect account in writing under their reſpective hands of all moneys, which he and they, and every or any of them, ſhall to ſuch time have received, paid, and diſburſed by virtue of this act by reaſon of their reſpective offices, for which oath no fee or reward ſhall be taken; and in caſe any money ſo received ſhall remain in their or any of their hands, the ſame ſhall be paid to the ſaid truſtees, or any ſeven or more of them, or to ſuch perſon or perſons as the ſaid truſtees, or any ſeven or more of them, (as they are qualified to act) ſhall by any writing or writings under their hands and ſeals authorize and impower to receive the ſame; which ſhall be diſburſed and laid out in amending the ſaid highways or roads according to the true intent and meaning of this act, and not otherwiſe; and the ſaid truſtees, or any ſeven or more of them, to whom ſuch account ſhall be given, ſhall and may out of the money ariſing by the ſaid toll or duty make ſuch allowance unto the ſaid receiver or receivers, collector or collectors, and the ſurveyor or ſurveyors, for and in conſideration of his and their care and pains reſpectively taken in the execution of his and their office and offices, and to ſuch other perſon or perſons who have been or ſhall be aſſiſting in and about procuring the ſaid highways and roads to be amended and repaired by advancing or laying out any moneys, or otherwiſe relating thereunto, as to them ſhall ſeem good; ſo as ſuch allowance or allowances to ſuch collector or collectors do not annually exceed in the whole the ſum of thirty pounds, and to ſuch ſurveyor or ſurveyors the ſum of three ſhillings *per diem*, during ſuch time or times as he or they ſhall be reſpectively employed in the repair of the ſaid roads; and ſo as ſuch allowance or allowances to any other perſon or perſons who ſhall be employed by virtue of this act does not exceed the ſum of fifteen pounds yearly to each perſon; and in caſe the ſaid receiver or receivers, collector or collectors, of the aforeſaid toll or duty, or any of them, ſhall not make ſuch account and payment unto ſuch perſon or perſons according to the orders and directions of the ſaid truſtees, or any ſeven or more of them as aforeſaid, that then the ſaid juſtices of the peace at any ſpecial ſeſſions or meeting of them to be holden for the county, in which the ſaid receiver or receivers, collector or collectors, have acted or been employed, and

who ſhall account, in writing, on oath if required, firſt tueſday every month, or oftner,

any overplus ſhall be paid to 7 truſtees, &c. and laid out on the road.

Allowance to receivers as 7 truſtees think fit, ſo as not above 30l. yearly in the whole,

to ſurveyors, 3 s. *per diem* during employment,

to others employed, &c. not above 15l. yearly to each.

Receivers not accounting and paying, juſtices at ſpecial ſeſſions ſhall inquire, and commit offenders till done.

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made ſuch default as aforeſaid, ſhall and are hereby required and impowered to make inquiry and finally to determine of and concerning ſuch default as well by confeſſion or examination upon oath of the ſaid parties themſelves, as by the teſtimony of one or more credible witneſs or witneſſes upon oath, which oath they are hereby impowered and required to adminiſter without fee or reward; and if any perſon or perſons ſhall be convicted thereof by ſuch juſtices, the ſaid juſtices ſhall upon ſuch conviction commit the party or parties to the common goal of the county where ſuch offence ſhall be committed, there to remain without bail or mainprize until he or they ſhall have made a true and perfect account and payment as aforeſaid.

Surveyors may dig for materials in a neighbouring waſte or common without paying,

VI. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid ſurveyor and ſurveyors, and ſuch perſon or perſons as he or they ſhall appoint, to dig, raiſe, gather, take, and carry away any gravel, furze, ſand, ſtones, or other materials out of any waſte or common, of any pariſh, town, village, or hamlet, in or near which any founderous or ruinous places of the ſaid highways or roads do lye, and for want of ſufficient gravel, furze, ſand, ſtones, or other materials there, to dig, gather, raiſe, take, and carry away the ſame out of the waſte or common of any neighbouring pariſh, town, village, or hamlet, without paying any thing for the ſame; and, where there is not ſufficient of ſuch materials in any commons or waſte grounds near adjoyning, it ſhall and may be lawful for them by order of the ſaid truſtees, or any ſeven or more of them, to dig, raiſe, and gather the ſame, in the ſeveral grounds of any perſon or perſons not being a garden, orchard, yard, or meadow, planted walk or walks, or avenue to a houſe, where any ſuch materials are or may be found, and from time to time to carry away ſuch and ſo much thereof as the ſaid ſurveyor or ſurveyors in their reſpective places ſhall adjudge neceſſary for the repairing and amending the ſaid highways or roads, paying ſuch rate for ſuch materials and for the damage to the owner or occupier of the ground from whence the ſame ſhall be digged, raiſed, gathered, and carried away, as the truſtees appointed or to be appointed to put this act in execution ſhall adjudge reaſonable; and in caſe of any difference between ſuch owner or occupier and the ſaid truſtees touching the value of the materials and damage aforeſaid the judges of aſſize, or the juſtices of the peace, at the next general aſſizes and general goal delivery, or quarter-ſeſſions, to be holden in the county where ſuch materials ſhall be digged, raiſed, or gathered, and from whence the ſame ſhall be carried away, may and ſhall adjudge, aſſeſs, and finally determine the ſame.

and where not ſufficient may, by order of 7 truſtees dig in any perſon's grounds, not being garden, &c. paying as the truſtees think reaſonable,

11 *G.* 2. 17. *may dig in potatoe garden.*

Difference adjuſted at aſſizes or ſeſſions.

VII. And

Surveyors, may remove annoyances, cleanſe ditches adjoining, cut down, &c. trees, on neglect of owners 10 days after notice in writing by 7 truſtees:

VII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſurveyor or ſurveyors, and ſuch perſon or perſons as he or they ſhall appoint, from time to time to remove and prevent annoyances on any part of the ſaid highways or roads hereby intended to be repaired, by filth, dung, aſhes, rubbiſh, water-courſes, ſinks, or drains, running into the ſaid highways or roads, and to cleanſe any ditch or water-courſes adjoyning to the ſaid roads, or to cut down, lop or top any trees or buſhes growing in the ſaid highways, or in the hedges or banks adjacent to the ſaid highways, and to take and carry away the ſame (the owners or occupiers neglecting to cut down ſuch trees or buſhes, or to remove ſuch other annoyances, for the ſpace of ten days after notice in writing given for that purpoſe under the hands of ſeven of the ſaid truſtees) the charges whereof ſhall be reimburſed the ſaid ſurveyor or ſurveyors by ſuch owners or occupiers neglecting to cut down the ſaid trees or buſhes, or to remove ſuch other annoyances as aforeſaid; and if after removal of any ſuch annoyances any perſon or perſons ſhall again offend in the like kind, every ſuch perſon or perſons ſo offending, and being thereof convicted upon oath before one or more juſtice or juſtices of the peace for the ſaid county where ſuch offence ſhall be committed, ſhall for every ſuch offence forfeit and pay unto the ſaid truſtees, where ſuch offence ſhall be committed, the ſum of ten ſhillings, to be levied in manner aforeſaid.

reimburſed by ſuch owner.

Penalty 10s. on offenders after removal thereof,

to truſtees.

Surveyors by order of 7 truſtees may make cauſeways, drains, in grounds contiguous, and arches,

and widen the road, ſo as not to take in a houſe, garden, &c.

and make trenches;

making reaſonable ſatisfaction,

VIII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid ſurveyor or ſurveyors by order of the ſaid truſtees, or any ſeven or more of them, to make or cauſe to be made cauſeways, and to cut and make drains through any grounds lying contiguous to the ſaid roads, and to erect arches of brick, timber, or ſtone thereupon; and alſo to widen any of the narrow parts of the ſaid highways or roads, by opening, clearing, and laying into the ſaid highways or roads any grounds of any perſon or perſons lying contiguous to ſuch highways or roads, not being a houſe, garden, orchard, planted-walk, or avenue to a houſe; and alſo to cauſe ditches or trenches to be made in ſuch places and in ſuch manner, as ſuch ſurveyor or ſurveyors by order of the ſaid truſtees, or any ſeven or more of them, ſhall adjudge neceſſary for the better amending and keeping the ſaid highways or roads in good repair; making ſuch reaſonable ſatisfaction to the owner or occupier of ſuch ground, which ſhall be ſo laid in or unto the ſaid highways or roads, or through which any ſuch drain or drains

ſhall

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ſhall be cut, or on which any ſuch arch or arches ſhall be made, for the damages which he or they ſhall or may thereby ſuſtain, as ſhall be aſſeſſed and adjudged by the next going judge or judges of aſſize, or by the juſtices of the peace, or the major part of them at the next general aſſiſes or quarter-ſeſſions to be holden for the county in which ſuch ground ſhall be laid into the ſaid highways or roads, and through which any ſuch drain or drains, ditch or ditches, ſhall be cut or made, or on which ſuch arch or arches ſhall be erected or made, or ſuch cauſeways made, in caſe of any difference concerning the ſame; and if any owner or occupier of any water-courſes, ditch or ditches, adjoyning to the ſaid highways or roads, ſhall neglect or refuſe to ſcour or cleanſe ſuch water-courſes, and to make ſuch ditches ſo deep, and in ſuch manner, as the ſurveyor or ſurveyors ſhall adjudge proper and convenient, after ten days notice ſhall be given for that purpoſe by ſuch ſurveyor or ſurveyors to be appointed, or ſuch perſon or perſons as ſhall be appointed by him or them, to ſuch owner or owners, it ſhall and may be lawful to and for the ſurveyor and ſurveyors to ſet any man or men to work to ſcour or cleanſe and make the ſame, and by warrant from any ſeven or more of the ſaid truſtees to levy the charges thereof upon the perſons goods or eſtates of the owner or owners, occupier or occupiers, of ſuch water-courſe, ditch or ditches, by diſtreſs and ſale of his, her, or their goods and chattles, rendring the overplus (if any be) to the ſaid owner or occupier after all charges paid.

difference ſettled at aſſizes or ſeſſions.

Surveyors may cleanſe water-courſes or ditches adjoining, on neglect of owner 10 days after notice. 23 G. 2. 16.

and by warrant of ſeven truſtees levy the charge.

IX. And foraſmuch as the money, ſo to be collected by ſuch receipt of the ſaid toll, will not at preſent be ſufficient for the ſpeedy repairing of the ſaid highways or roads: be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any fifteen or more of them, ſhall and may and are hereby impowered from time to time by writing under their reſpective hands and ſeals to aſſign over the ſaid toll or duty hereby granted, or any part thereof, the coſts and charges whereof to be born and paid out of ſuch toll or duty, for any term or time during the continuance of this act, as a ſecurity for any ſum or ſums of money by them to be borrowed for that purpoſe, to ſuch perſon or perſons, or their truſtees, who ſhall advance and lend the ſame, to ſecure the re-payment thereof with lawful intereſt, or leſs, if the ſame can be ſo had; which ſaid money borrowed ſhall be applied and diſpoſed of, as the ſaid toll or duty is by this act to be applyed and diſpoſed of, and to no other uſe or purpoſe whatſoever.

The toll not ſufficient for the ſpeedy repair,

15 truſtees may aſſign the toll as ſecurity for money borrowed,

to be applied to like purpoſe.

X. Provided always, That in caſe there ſhall be more than one gate or turnpike in, acroſs, or on the ſide of the ſaid high-

Perſons delivering a ticket of payment at one gate,

ways

ways or roads between the ſaid city of Dublin and the ſaid town of Dunleer, no perſon or perſons having paid the toll or duty at the firſt gate or turnpike, through which ſuch perſon or perſons ſhall paſs, and producing a note or ticket that the ſaid toll or duty was paid, which note or ticket the receiver or receivers, collector or collectors, is and are hereby required to give *gratis*, ſhall be liable to pay any toll or duty at any other of the ſaid gates or turnpikes upon or on the ſide of the ſaid high-way or road, ſuch perſon or perſons delivering the ſaid note or ticket to the ſaid receiver or receivers, collector or collectors, of the ſaid toll or duty at the latter gate or turnpike the ſame day; and no perſon or perſons, having occaſion to paſs the place or places where the toll or duty is taken, who ſhall return the ſame day upon or with the ſame horſe, mare, gelding, aſs, mule, cattle, coach, chariot, berlin, chaiſe, chair, calaſh, waggon, cart, car, or other carriage, ſhall be lyable or compellable the ſame day to pay the ſaid toll or duty more than once on the ſaid road.

not liable to pay at another the ſame day:

nor returning ſame day with ſame horſe or carriage.

XI. And for preventing frauds and abuſes in the ſaid toll or duty; be it enacted by the authority aforeſaid, That if any perſon or perſons, having paid the toll or duty by this act granted and made payable, and having ſuch note or ticket, notes or tickets, as hereby directed, ſhall give or diſpoſe of the ſame to any other perſon or perſons in order to avoid the payment of the ſaid toll or duty, every ſuch perſon giving, diſpoſing, or offering, and the perſon receiving, ſuch note or ticket, notes or tickets, and being thereof convicted upon oath before the ſaid truſtees, or any ſeven or more of them, or before any one or more juſtice or juſtices of the peace for the county wherein ſuch offence or offences ſhall be committed, which oath the ſaid truſtees and ſaid juſtice or juſtices are hereby impowered to adminiſter, ſhall reſpectively forfeit and pay the ſum of ten ſhillings, to be levied, recovered, and diſpoſed of, as any other penalty or forfeiture is directed to be levied, recovered, and diſpoſed of by this act.

Giver and receiver of a ticket to avoid payment of toll, forfeit 10 s. reſpectively.

XII. Provided always, and it is hereby declared, That during the continuance of this act all coaches and paſſengers on horſeback ſhall paſs and repaſs toll-free on the day or days on which there ſhall be an election for knight or knights of the ſhire to ſerve in Parliament for the counties of Dublin, Meath, and Lowth, or citizens for the ſaid city of Dublin, or for any burgeſs to ſerve in Parliament for the ſaid town of Drogheda, or for any borough in the ſaid counties reſpectively; any thing herein contained to the contrary notwithſtanding.

No toll paid on days of election for Dublin, Meath, and Lowth, &c.

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XIII. And be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any ſeven or more of them, may and are hereby impowered from time to time, as they ſhall ſee convenient or think fit, to compound or agree by the year or otherwiſe with any perſon or perſons uſing to travel through the turnpike or turnpikes to be erected with any milch cows, horſe, mare, or gelding, aſs or mule, or with any coach, berlin, calaſh, chaiſe, chair, waggon, cart, carr, or other carriage, for any ſum or ſums of money, to be paid quarterly from time to time after ſuch agreement ſhall be made.

truſtees may compound, 23 *G.* 2. 16. payable quarterly.

XIV. Provided alſo, and it is hereby declared, that no perſon ſhall be charged with any of the tolls or duties aforeſaid, who ſhall paſs through any of the turnpikes to be erected by this act, who ſhall carry any quantities of ſtones, gravel, or other materials for repairing of the ſaid roads, or any of the roads in the pariſhes in which the ſame do lye, or in any of the neighbouring pariſhes; nor ſhall any perſon or perſons be chargeable with the ſaid toll or duty, or any carts, carrs, or waggons, loaded with corn in the ſtraw only; nor for any ploughs, harrows, or other implements of huſbandry, in order to the uſing or repairing of the ſame in the ſeveral pariſhes in which the ſaid highways or roads hereby intended to be repaired do lye; nor ſhall any toll or duty be demanded or taken at any of the turnpikes to be erected for any horſe, mare, gelding, aſs, or mule, or other cattle going to water, or for any poſt-horſe carrying the mail or packet, or for ſuch horſe as is or ſhall be uſed only to ride on by the owner or the driver of any waggon, cart, or carriage, provided ſuch horſe paſs through the ſaid turnpike or turnpikes with ſuch waggon, cart, or carriage; nor ſhall any toll or duty be demanded or taken for any horſe or horſes of ſoldiers paſſing, that are upon their march, or for any waggons, carts, cars, or other carriages attending them; or for horſes, waggons, carts, cars, or other carriages travelling with vagrants ſent by paſſes, or with priſoners tranſmitted from one part of the kingdom to another.

Exempt from toll.

Perſons carrying materials for repairing ſaid road, or any roads in neighbouring pariſhes,

or corn in ſtraw only,

implements of huſbandry to be uſed in pariſhes in which ſaid roads lye,

cattle going to water;

Poſt-horſes with the mail,

the waggoner's horſe,

ſoldiers on march,

vagrants paſſed, or priſoners tranſmitted.

XV. And be it further enacted by the authority aforeſaid, That the toll or duty hereby granted ſhall take place and have continuance only from and after the tenth day of March in the year of our Lord one thouſand ſeven hundred and thirty one for and during the term of twenty one years.

Continuance of ſaid toll 21 years from 10 March 1731. 7 *G.* 2. 18. *continued 22 years, &c. except as thereby altered.*

XVI. Provided nevertheleſs, That if at any time before the expiration of the ſaid term of twenty one years all parts of the ſaid roads ſhall be ſufficiently amended and repaired, and ſo adjudged by the majority of the truſtees appointed, or hereafter to be choſen, by virtue of this act by an adjudication under their hands and ſeals, that then from and after ſuch adjudication made,

unleſs ſaid road is before adjudged by majority of truſtees under hand and ſeal ſufficiently repaired,

and

and repayment of ſuch money as ſhall have been advanced or borrowed, with intereſt for the ſame, and the coſts and charges thereof, the tolls and duties ſhall ceaſe and determine; any thing herein contained to the contrary notwithſtanding.

and money advanced repaid.

XVII. And be it further enacted by the authority aforeſaid, That for the continuing of a ſufficient number of fit and able perſons to be truſtees for putting in execution all and every the powers in this act contained for and during the continuance thereof, it ſhall and may be lawful to and for the ſaid truſtees, or any ſeven or more of them, upon the death of any of the ſaid truſtees, removal, or refuſing to act in the ſaid truſt, by any writing or writings under their hands and ſeals from time to time and at all times hereafter, during the term aforeſaid, to elect, nominate, and appoint, in the room of ſuch truſtee or truſtees ſo deceaſed, removed, or refuſing to act, ſo many more fit and able perſon or perſons living in the ſaid counties of Dublin, Meath, or Lowth, or county of the town of Drogheda, to be joined with the ſaid truſtees in the execution of all and every the power and powers in them repoſed by virtue of this act; and all and every perſon or perſons, ſo to be choſen truſtee or truſtees to join in putting this act in execution, as they are herein before qualified to do, ſhall, and may, and are hereby impowered to act to all intents and purpoſes in as full, large, and ample manner, as the ſaid truſtees are by this act impowered to do, and ſo *toties quoties* as often as occaſion ſhall be and require.

7 truſtees, on death, removal, or refuſing to act, may elect others living in ſaid counties.

XVIII. And be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any twenty one or more of them, ſhall meet at the tholſel in the city of Dublin, on the firſt Thurſday in the month of March in the year of our Lord one thouſand ſeven hundred and thirty one, and the ſaid truſtees ſhall then adjourn themſelves, and afterwards meet there, or at any other place or places near the ſaid highways or roads to be repaired, as the ſaid truſtees, or any ſeven or more of them, ſhall think proper or convenient, as often as it ſhall be neceſſary for the putting this act in execution; and if it ſhall happen, that there ſhall not appear at any meeting, which ſhall be appointed to be had or held by the ſaid truſtees, a ſufficient number of truſtees to act at ſuch meeting, and to adjourn to any other day, then and in ſuch caſe the clerk to the ſaid truſtees by notice in writing, to be affixed at the reſpective gates or turnpikes at leaſt ten days before the next meeting, ſhall appoint the ſaid truſtees to meet at the houſe, where the meeting of the ſaid truſtees was laſt appointed to be had, or at ſome other convenient houſe

21 truſtees ſhall meet at the Tholſel 1ſt Thurſday in March 1731,

adjourn and meet at any place near ſaid road as often as neceſſary.

and, for want of ſufficient number,

the clerk affixing notice on the gates 10 days before ſhall appoint meeting,

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houſe near the ſaid roads, on the day fortnight next after the day upon which ſuch laſt meeting of the ſaid truſtees was appointed to have been held; and that the ſaid truſtees at their firſt meeting and at all their ſubſequent meetings ſhall defray their own charges and expences.

Truſtees at meeting defray their own charges.

None having place of profit out of the toll ſhall be truſtee.

XIX. Provided always, and be it further enacted by the authority aforeſaid, That no perſon or perſons appointed or to be appointed by this act a truſtee or truſtees for putting this act in execution ſhall have or accept of any place of profit ariſing out of or by reaſon of the toll or duty by this act laid or granted; but ſuch perſon or perſons ſhall be incapable, from the time of accepting and continuing to enjoy ſuch place of profit, of acting as a truſtee.

Suits againſt perſons for acting laid in ſaid counties only.

XX. And be it further enacted by the authority aforeſaid, That if any ſuit ſhall be commenced againſt any perſon or perſons for any thing done in purſuance of this act, in every ſuch caſe the action ſhall be laid in the ſaid county of Dublin, county of Meath, county of Lowth, or county of the town of Drogheda, and not elſewhere; and the defendant or defendants may plead general iſſue, &c.

Defendants may plead general iſſue, &c.

and have treble coſts on nonſuit, &c.

ants in ſuch action or actions to be brought may plead the general iſſue, and give this act and the ſpecial matter in evidence at any tryal to be had thereupon, and that the ſame was done in purſuance and by the authority of this act; and if it ſhall appear ſo to be done, or that ſuch action or actions ſhall be brought in any other county, that then the jury ſhall find for the defendant or defendants; and upon ſuch verdict, or if the plaintiff ſhall be nonſuited, or diſcontinue his action after the defendant or defendants ſhall have appeared, or if on any demurrer judgment ſhall be given againſt the plaintiff, the defendant or defendants ſhall and may recover treble coſts, and have the like remedy for the ſame, as any defendant or defendants hath or have in any other caſes by law.

This a publick act.

XXI. And be it further enacted by the authority aforeſaid, That this act ſhall be deemed, adjudged, and taken to be a publick act, and be judicially taken notice of as ſuch by all judges, juſtices, and other perſons whatſoever without ſpecially pleading the ſame.

CHAP.

A. D. 1731.

CHAP. XVI.

An act for repairing the road leading from the city of Dublin, to the town of Kinegad in the county of West-Meath.

7 G. 2. 21. *made more effectual.*

WHEREAS the highways or roads leading from the city of Dublin through the towns of Kilmainham, Island-bridge, Chappel-izod, Palmerstown, Lucan, Leixlip, Monouth, Kilcock, Cloncurry, and from thence to Kinegad in the county of West-Meath, by reason of several hollow ways, and of the many and heavy carriages frequently passing through the same, are become so ruinous and bad, that in the winter season many parts thereof are impassable for waggons, carts, cars, and carriages, and very dangerous for travellers, and cannot by the ordinary course appointed by the laws and statutes of this realm be effectually mended and kept in good repair: wherefore, and to the intent that the said highways or roads may with convenient speed be effectually mended, and hereafter kept in good and sufficient repair, so that all persons may travel through the same with safety; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That for the better surveying, ordering, amending, and keeping in repair the said highways and roads, it shall be in the power of his grace John lord archbishop of Dublin, the right honourable Robert earl of Kildare, the right honourable Chaworth earl of Meath, the right honourable Richard earl of Ross, the right honourable Joshua lord viscount Allen, the right honourable Brabazon lord viscount Duncannon, the right honourable Richard lord viscount Molesworth, the right honourable Francis lord baron of Athenree, the right honourable Henry lord baron of Santry, the right honourable George lord baron St. George, the right honourable George lord baron Forbes, the right honourable Edward lord viscount Mountcashell, the right reverend father in God Ralph lord bishop of Meath, the right reverend father in God Welbore lord bishop of Kildare, the right reverend father in God Arthur lord bishop of Fernes, the right honourable William Conolly, the right honourable Marmaduke Coghill, the right honourable Richard Tighe, the right honourable general Owen Wynne, the right honourable Benjamin Parry esquires, the right honourable Sir Thomas Taylor baronet, Sir Arthur Gore baronet, Sir Compton Domvile baronet, Sir Edward Crofton baronet, Sir Robert Newcomen baronet, Sir Gerald Aylmer baronet,

The road not to be repaired by the ordinary course.

Trustees appointed, for repair thereof.

23 G. 2. 16. *may sue, &c. as if incorporated, and must have freehold of 50 l. per ann. or 1000 l.*

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baronet, Sir Henry Tute baronet, Sir William Parſons baronet, Sir Henry King baronet, Sir Richard Levings baronet, the honourable William Moleſworth, the honourable Guſtavus Hamilton, the honourable Byſſe Moleſworth, the honourable Humphry Butler, the honourable Richard Allen, the honourable Robert Allen, the honourable Henry Hamilton, the honourable Thomas Butler, the honourable ——— Mc. Carthy, Agmondiſham Veſey eſquires, colonel Anthony Sheppard, Henry Sandford, Robert Sandford, Anthony Sheppard junior, Robert Rochfort, Richard Weiſley, Peter Ludlow, Thomas Carter, Herculus Rowley, John Rochfort, Nathaniel Clements, Henry Bingham, Robert Percival, John Bingham, Charles Lambert ſenior, Frederick Trench, Luke Gardiner, William Gore of Woodford, Maurice Keating, William Smith of Stony-batter eſquires, general Robert Napper, Peter Holmes, Hugh Henry, George Holmes, Thomas Meredyth, Francis North, Michael Cuffe, Clotworthy Shields, Thomas Trotter eſquire, doctor of laws, John Wade, Charles Hamilton, Robert Shields, Anthony Malone, Boleign Whitney, Peter Daly, Hans Woods, Richard Warren, Nicholas Aylward, William Handcock, Guſtavus Handcock, John Bowes, Richard Malone, Nathaniel Preſton, Marcus Anthony Morgan, John Blackney, Thomas Taylor, John Brown of Weſtport, Thomas Caulfield, Theobald Caulfield, John Bourke, Henry White, David Chaigneau, Robert Waller, James Whitſhed, Roger Jones, Arthur Dillon, Thomas Upton, William Gore, Arthur Gore eſquires, colonel Robert Blakeney, colonel Thomas Bellew, colonel Phineas Bowles, Thomas Burgh, Joſeph Aſh, William Beckett, Henry Edgworth, Enoch Sterne, Thomas Loftus, Thomas Staunton, Warden Flood, Richard Evelyn, John Arobon, Colly Lyons, Robert Harman, John Donellan, Charles Lambert junior, Patrick Fox, John Digby, Wentworth Harman, George Warren, Benjamin Pratt, Bruen Worthington, Walter Burton, James Somerville, Thomas Judge, Theobald Dillon, Ralph Smith, Oliver Moore, William Smith, Patrick French, John Maxwell, Robert Dillon, Agmondiſham Veſey junior, Francis Allen, Arthur Ormſby, Darby Clark, Edmond Donnellan, James Mc. Manus, Charles Dunſterville, Thomas Dance, Edward Bolton, William Cane, Richard Cane, Boyle Spencer, John King, William Sandford, Arthur French, William Sheppard, Robert French, James Sandford, Frederick Trench, Charles Aylmer, Arthur Newcomen, Thomas Newcomen, Joſhua Cooper, Edward Dering, St. George Caulfield, Thomas Lum, Thomas Wakely, John Gay, Hugh Milton, James Neſbit, John Mc. Carrol, Robert Cooke, captain Shugbro Whitney, colonel Jaſper Tryce, William Moore eſquire, deputy commiſſary general

ral, Dudley Colley, Lewis Mears, Henry Hatch, John Allen, William Cockſidge, William Hawkins ſenior, William Hawkins junior, John Hawkins, Narciſſus Proby, Daniel Reddy, Francis Mc. Manus, John Lyons junior, William Steares, Edward Crofton, Humphry Borr, James Copperthwaite, Charles Armſtrong, Oliver Barker, Robert Adair, George Nugent, James Garſtin, William Murry, Robert Fox, Theobald Bourke, Walter Bermingham, Lewis Moore, George Cubbaidge, Adam Kyan, James Nugent eſquires, the reverend dean Dobbin, the reverend George Marlay, the reverend Mr. Hill, the reverend dean Taylor, the reverend dean Winter, the reverend Daniel Jackſon, the reverend Benjamin Gregory, the reverend Mr. Dean, the reverend James Garſtin, the reverend Henry Duncan, the reverend John Kyan clerks, Robert Blakeney merchant, Adam Kidder, George Tyrrel, John Tyrrel, Thomas Bomford, Stephen Bomford, Eleazer Sterne, Thomas Jones, William Fitz-Simons, Roger Tuchill, John Tue, John Hendrick, William Tue, and George Finney gentlemen, who are hereby nominated and appointed truſtees of the ſaid roads, and the ſurvivors of them, that they, or any five or more of them, or ſuch perſon or perſons as they, or any five or more of them, ſhall authorize and appoint, ſhall and may erect, or cauſe to be erected, one or more gate or gates, turnpike or turnpikes, in, upon, or acroſs any part or parts of the ſaid highways or roads; and alſo a toll-houſe or toll-houſes, and there ſhall receive and take the tolls and duties following before any horſe, mare, or gelding, aſs, or mule, cattle, coach, Berlin, chariot, calaſh, chaiſe, chair, waggon, wain, cart, car, or other carriage, ſhall be permitted to paſs through the ſame, *viz.* for every coach, Berlin, chariot, calaſh, chaiſe, or chair drawn by ſix horſes or more, the ſum of one ſhilling; and for every coach, Berlin, chariot, calaſh, chaiſe, or chair drawn by any leſs number of horſes than ſix, and more than one, the ſum of ſix pence; for every waggon, wain, cart, car, or other carriage with four wheels, the ſum of eight pence; for every wain, cart, car, or other carriage with two wheels, having more than one horſe, mare, or gelding, aſs, or mule, the ſum of three pence; for every carriage commonly called a chair or chaiſe with one horſe, mare, gelding, or mule, the ſum of two pence; for every car or other carriages having but one horſe, mare, or gelding, aſs or mule, the ſum of one penny; for every horſe, mare, gelding, mule, or aſs, laden or unladen, and not drawing, one half-penny; for every drove of oxen or neat cattle, the ſum of ten pence *per* ſcore, and ſo in proportion for any greater or leſſer number; for every drove of calves, hogs, ſheep, or lambs, the ſum of five pence *per* ſcore, and ſo in proportion for any greater

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Any 5 may erect gates, turnpikes, and toll-houſes,

and take toll.

7 G. 2. 21. altered.

For a coach *&c.* and ſix horſes, 1 s.

if leſs than 6, and above one, 6 d.

4 wheeled wains, 8 d.

2 wheeled, and more than 1 horſe, 3 d.

a chaiſe and 1 horſe, 2 d.

Carriage and one horſe, 1 d.

a horſe not drawing, one halfpenny.

Oxen, *&c.* 10 d. calves, *&c.* 5 d. *per* ſcore.

or

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or leſſer number; which ſaid reſpective ſum and ſums of money ſhall be demanded and taken in the name of or as a toll or duty, and the money ſo to be raiſed as aforeſaid is and ſhall hereby be veſted in the ſaid truſtees, and the ſame, and every part thereof, ſhall be paid, applied, diſpoſed of, and aſſigned to and for the ſeveral uſes, intents, and purpoſes, and in ſuch manner, as is herein after mentioned and directed; and the ſaid truſtees, or any five or more of them, are hereby impowered by themſelves, or any perſon or perſons by them, or any five or more of them, under their hands and ſeals thereunto authorized, to levy the toll or duty hereby required to be paid upon any perſon or perſons, who ſhall after demand made thereof neglect or refuſe to pay the ſame, by diſtreſs of any horſe or horſes, or other cattle or goods, upon which ſuch toll or duty is by this act impoſed, or upon any other of the goods or chattles of ſuch perſon or perſons who ought to pay the ſame, and may detain and keep the ſame until ſuch toll or duty with the reaſonable charges of ſuch diſtraining or keeping ſhall be paid; and it ſhall and may be lawful to and for ſuch perſon or perſons ſo diſtraining, after the ſpace of five days after ſuch diſtreſs made and taken, to ſell the goods ſo diſtrained, returning the overplus (if any be) upon demand to the owner thereof, after ſuch toll, duty, and reaſonable charges for diſtraining and keeping the ſame ſhall be deducted and paid.

The money raiſed veſted in the truſtees;

any five, may on non-payment levy by diſtreſs,

and ſell in 5 days.

II. And be it further enacted by the authority aforeſaid, That out of the firſt money ariſing from the profits of the ſeveral turnpikes ſo to be erected the ſaid truſtees, or any five or more of them, ſhall firſt pay and diſcharge the expence of procuring this act of Parliament, and of erecting ſuch turnpike or turnpikes, or building ſuch toll-houſe or toll-houſes, and from and after ſuch charges and expences ſhall be fully ſatisfied and paid, that then and from thenceforth the profits ariſing, and the toll to be collected, at any turnpike or turnpikes to be erected and ſet up on the ſaid road leading from the city of Dublin to Kinnegad in the county of Weſtmeath, ſhall be applied for and towards the repair of the ſaid road only, and not elſewhere.

After charges paid, the profits laid out on the road.

III. And be it further enacted by the authority aforeſaid, That if any perſon or perſons whatſoever, owning, renting, or occupying any land near unto any turnpike to be erected in purſuance of this act, ſhall for gain, reward, or otherwiſe, wittingly or willingly permit any perſon or perſons whatſoever to paſs through any gate, paſſage, or way, with any coach, Berlin, chariot, calaſh, chaiſe, or chair, waggon, wain, cart, car, or carriage, or riding, or driving any horſe, aſs, or mule, or any ſort of cattle, and be thereof convicted upon oath before the ſaid truſtees, or

Owners of land adjoining permitting paſſage,

or any five or more of them, or before one or more juſtice or juſtices of the peace for the county wherein ſuch offence or offences ſhall be committed, who are hereby impowered and required to adminiſter ſuch oath, every perſon ſo offending ſhall forfeit and pay to the truſtees authorized to put this act in execution the ſum of ten ſhillings, to be levied by diſtreſs and ſale of the offenders goods by warrant under the hand and ſeal or under the hands and ſeals of the ſaid truſtees, or any five or more of them, or ſuch juſtice or juſtices, rendering the overplus to the owner (if any be) the charges in taking and diſpoſing of the ſaid goods being firſt deducted.

penalty 10s. to truſtees.

IV. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid truſtees, or any five or more of them, to erect one or more gate or gates, turnpike or turnpikes, on the ſide of the ſaid highways or roads acroſs any lane or way leading out of the ſaid road, and toll-houſe or toll-houſes, and there to receive and take ſuch toll as is appointed by this act to be taken, ſo as the ſame do not extend to a double charge, in caſe of paſſing through any other of the turnpikes to be erected by virtue of this act between the ſaid city of Dublin and the ſaid town of Kinnegad aforeſaid.

Gates, &c. may be erected on the ſide, croſs any way leading out of ſaid road,

and toll collected, ſo as no double charge.

V. And be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any five or more of them, at their firſt meeting, or any ſucceeding meeting, by writing under their hands and ſeals ſhall and may elect, nominate, and appoint, one or more fit perſon or perſons to be receiver or receivers, collector or collectors, of ſuch money, in the name of ſuch toll or duty as ſhall be due and payable by virtue of this act; and alſo one or more fit perſon or perſons to be ſurveyor or ſurveyors to ſee the condition of the ſaid highway or road, and to ſee that the ſame be repaired and amended, and that the money ariſing and expended by virtue of this act be duly applied, and from time to time to remove ſuch collectors, receivers, and ſurveyors, or any or either of them, as they ſhall ſee occaſion, and appoint new ones in caſe of death or of ſuch removal; and ſuch perſon or perſons, as is or are by this act liable to pay the ſaid toll or duty, is and are hereby required to pay the ſame after the rates aforeſaid to the ſaid receiver or receivers, collector or collectors, of the ſaid toll or duty in that behalf from time to time appointed as aforeſaid; and the perſon or perſons ſo appointed as aforeſaid for receiving the ſaid toll or duty, and all ſuch ſurveyor or ſurveyors as aforeſaid, ſhall upon oath, if thereunto required by the truſtees, or any five or more of them, or before one or more juſtice or juſtices of the peace reſiding near the highway

5 truſtees at meeting may appoint receivers and ſurveyors,

remove and, chuſe others.

Receivers and ſurveyors ſhall account on oath, if required, in writing, on firſt Tueſday monthly, or oftner.

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highway or road aforeſaid (which oath the ſaid truſtees, or any five or more of them, or ſuch juſtice or juſtices is and are hereby impowered and required to adminiſter) on the firſt Tueſday in every month, or oftner if required, during the continuance of this act, give in a true, exact, and perfect account in writing under their reſpective hands of all money, which he and they, and every or any of them, ſhall to ſuch time have received, paid, and diſburſed by virtue of this act by reaſon of their reſpective offices, for which oath no fee or reward ſhall be taken; and in caſe any money ſo received ſhall remain in their or any of their hands, the ſame ſhall be paid to the ſaid truſtees, or any five or more of them, or to ſuch perſon or perſons as the ſaid truſtees, or any five or more of them (as they are qualified to act) ſhall by any writing or writings under their hands and ſeals authorize and impower to receive the ſame; which ſhall be diſburſed and laid out in amending the ſaid highway or road according to the true intent and meaning of this act, and not otherwiſe; and the ſaid truſtees, or any five or more of them, to whom ſuch account ſhall be given, ſhall and may out of the money ariſing by the ſaid toll or duty make ſuch allowance to the ſaid receiver or receivers, collector or collectors, and the ſurveyor or ſurveyors, for and in conſideration of his and their care and pains reſpectively taken in the execution of his and their office and offices, and to ſuch other perſon or perſons, who have been or ſhall be aſſiſting in and about procuring the ſaid highways and roads to be amended and repaired by advancing or laying out any moneys, or otherwiſe relating thereto, as to them ſhall ſeem good, ſo as ſuch allowance or allowances to ſuch collector or collectors do not annually exceed in the whole the ſum of thirty pounds, and to ſuch ſurveyor or ſurveyors the ſum of two ſhillings and ſix pence *per diem*, during ſuch time or times as he or they ſhall be reſpectively employed in the repair of the ſaid roads; and ſo as ſuch allowance or allowances to any other perſon or perſons, who ſhall be employed by virtue of this act, do not exceed the ſum of fifteen pounds yearly to each perſon: and in caſe the ſaid receiver or receivers, collector or collectors, of the aforeſaid toll and duty, or any of them, ſhall not make ſuch account and payment unto ſuch perſon and perſons according to the orders and directions of the ſaid truſtees, or any five or more of them, as aforeſaid, that then the ſaid juſtices of the peace at any ſpecial ſeſſions or meeting of them to be holden for the county, in which the ſaid receiver or receivers, collector or collectors, have acted or been employed, and made ſuch default as aforeſaid, ſhall and are hereby required and impowered to make inquiry and finally to determine

and pay ſurplus to truſtees, &c.

to be laid out in the road.

Allowance to receivers, not above 30 l. yearly,

to ſurveyors 2 s. and 6 d. *per diem*, while employed,

to others employed, not above 15 l. each, yearly.

On default of account and payment, juſtices at any ſpecial ſeſſions may inquire,

mine of and concerning ſuch default as well by confeſſion or examination upon oath of the ſaid parties themſelves, as by the teſtimony of one or more credible witneſs or witneſſes upon oath, which oath they are hereby impowered and required to adminiſter without fee or reward; and if any perſon and perſons ſhall be convicted thereof by ſuch juſtices, the ſaid juſtices ſhall upon ſuch conviction commit the party or parties to the common goal of the county, where ſuch offence ſhall be committed, there to remain without bail or mainprize until he or they ſhall have made a true and perfect account and payment as aforeſaid. A. D. 1731. Chap. 16. and commit offenders.

VI. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid ſurveyor or ſurveyors, and ſuch perſon or perſons as he or they ſhall appoint, to dig, raiſe, gather, take, and carry away, any gravel, furze, ſand, ſtones, or other materials, out of any waſte or common of any pariſh, town, village, or hamlet, in or near which any founderous or ruinous places of the ſaid highways or roads do lye; and for want of ſufficient gravel, furze, ſand, ſtones, or other materials there, to dig, gather, raiſe, take, and carry away the ſame out of the waſte or common of any neighbouring pariſh, town, village, or hamlet, without paying any thing for the ſame; and where there is not ſufficient of ſuch materials in any commons or waſte grounds near adjoyning, it ſhall and may be lawful for them by order of the ſaid truſtees, or any five or more of them, to dig, raiſe, and gather the ſame, in the ſeveral grounds of any perſon or perſons, not being a garden, orchard, yard, or meadow, planted-walk or walks, or avenue to a houſe, where any ſuch materials are or may be found, and from time to time to carry away ſuch and ſo much thereof, as the ſaid ſurveyor or ſurveyors in their reſpective places ſhall adjudge neceſſary for the repairing and amending the ſaid highways or roads, paying ſuch rate for ſuch materials and for the damage to the owner or occupier of the ground, from whence the ſame ſhall be digged, raiſed, gathered, and carried away, as the truſtees appointed or to be appointed to put this act in execution, or any five or more of them, ſhall adjudge reaſonable; and in caſe of any difference between ſuch owner or occupier and the ſaid truſtees touching the value of the materials and damage aforeſaid, the judges of aſſize or the juſtices of the peace at the next general aſſizes and general goal delivery or quarter-ſeſſions, to be holden in the county where ſuch materials ſhall be digged, raiſed, or gathered, and from whence the ſame ſhall be carried away, may and ſhall adjudge, aſſeſs, and finally determine the ſame.

Surveyors may dig for materials in any neighbouring waſte or common, without paying.

or, if not ſufficient, in any perſons grounds by order of 5 truſtees, not being garden, &c. paying as 5 truſtees adjudge reaſonable: 11 G. 2. 17. *may dig in potato gardens.*

Differences ſettled at aſſizes or ſeſſions.

VII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid ſurveyor or ſurveyors, and

Surveyors, &c. may remove annoyances, cleanſe

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and ſuch perſon or perſons as he or they ſhall appoint, from time to time to remove and prevent annoyances on any part of the ſaid highways or roads hereby intended to be repaired, by removing any filth, dung, aſhes, rubbiſh, water-courſes, ſinke, or drains running into the ſaid highways or roads, and by cleanſing any ditch or water-courſes adjoyning to the ſaid road, or by cutting down, lopping, or topping any trees or buſhes growing in the ſaid highways, or in the hedges or banks adjacent to the ſaid highways, and to take and carry away the ſame; (the owners or occupiers neglecting to cut down ſuch trees or buſhes, or to remove ſuch other annoyances for the ſpace of eight days after notice in writing given for that purpoſe under the hands of five of the ſaid truſtees) the charges whereof ſhall be reimburſed the ſaid ſurveyor or ſurveyors by ſuch owners or occupiers neglecting to cut down the ſaid trees or buſhes, or remove ſuch other annoyances as aforeſaid; and if after removal of any ſuch annoyances any perſon or perſons ſhall again offend in the like kind, every ſuch perſon or perſons ſo offending, and being thereof convicted upon oath before one or more juſtice or juſtices of the peace for the ſaid county where ſuch offence ſhall be committed, ſhall for every ſuch offence forfeit and pay unto the ſaid truſtees the ſum of ten ſhillings, to be levied in manner aforeſaid.

ditches adjoining, lop, or cut down and carry away trees, on neglect of owner 8 days after notice in writing, who are to reimburſe the charges.

Offenders after removal ſhall on conviction before a juſtice pay 10s. to truſtees.

VIII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid ſurveyor or ſurveyors by order of the ſaid truſtees, or any five or more of them, to make or cauſe to be made cauſeways, and to cut and make drains through any ground lying contiguous to the ſaid roads, and to erect arches of brick, timber, or ſtone thereupon; and alſo to widen any of the narrow parts of the ſaid highways or roads by opening, clearing, and laying into the ſaid highways or roads any ſuch contiguous grounds, or to ſhorten any parts of the ſaid highways or roads through any grounds of any perſon or perſons lying contiguous to ſuch highways or roads, not being a houſe, garden, orchard, planted-walk, or avenue to a houſe; and alſo to cauſe ditches or trenches to be made in ſuch places and in ſuch manner, as ſuch ſurveyor or ſurveyors by order of the ſaid truſtees, or any five or more of them, ſhall adjudge neceſſary for the better amending and keeping the ſaid highways and roads in good repair; making ſuch reaſonable ſatisfaction to the owner or occupier of ſuch ground, which ſhall be laid in or unto the ſaid highways or roads, or through which any ſuch drain or drains ſhall be cut, or on which any ſuch arch or arches ſhall be made, or through which ſuch ſhortened roads ſhall be carried, for the damages which he or they ſhall or may thereby ſuſtain, as ſhall be aſſeſſed and adjudged by the next going judge or judges of aſſize, or by the juſtices

Surveyors by order of 5 truſtees may make cauſeways, drains, and arches in grounds contiguous,

and widen or ſhorten the road, the ground contiguous not being garden, &c.

and make trenches:

reaſonable ſatisfaction, to owner,

aſſeſſed at aſſizes or ſeſſions on any difference.

juſtices of the peace, or by the major part of them, at the next general aſſizes or quarter-ſeſſions to be holden for the county, in which ſuch ground ſhall be laid into the ſaid highways or roads, or through which any ſuch drains, ditch or ditches, ſhall be cut or made, or on which ſuch arch or arches ſhall be erected or made, or ſuch cauſeways made, in caſe of any difference concerning the ſame; and if any owner or occupier of any water-courſes, ditch or ditches, adjoyning to the ſaid highways or roads ſhall neglect or refuſe to ſcour or cleanſe ſuch water-courſes; and to make ſuch ditches ſo deep, and in ſuch manner, as the ſurveyor or ſurveyors ſhall adjudge proper and convenient, after eight days notice ſhall be given for that purpoſe by ſuch ſurveyor or ſurveyors to be appointed, or ſuch perſon or perſons as ſhall be appointed by him or them, to ſuch owner or owners, it ſhall and may be lawful to and for the ſurveyor or ſurveyors to ſet any man or men to work to ſcour, or cleanſe, and make the ſame, and by warrant from any five or more of the ſaid truſtees to levy the charges thereof upon the perſons, goods, or eſtates of the owner or owners, occupier or occupiers of ſuch water-courſe, ditch or ditches, by diſtreſs and ſale of his, her, and their goods and chattles, rendring the overplus (if any be) to the ſaid owner or occupier after all charges paid.

Owner not cleanſing water-courſes or ditches adjoining, on 8 days notice, ſurveyors may do it, 23 *G.* 2. 16.

and by warrant of 5 truſtees levy the charge.

IX. And foraſmuch as the money ſo to be collected by ſuch receipt of the toll will not at preſent be ſufficient for the ſpeedy repairing of the ſaid highways or roads: be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any fifteen or more of them, ſhall, and may, and are hereby impowered from time to time in writing under their reſpective hands and ſeals to aſſign over the ſaid toll or duty hereby granted, or any part thereof; the coſts and charges whereof to be born and paid out of ſuch toll or duty, for any time or term during the continuance of this act, as a ſecurity for any ſum or ſums of money by them to be borrowed for that purpoſe, to ſuch perſon or perſons, or their truſtees, who ſhall advance and lend the ſame, to ſecure the repayment thereof with lawful intereſt, or leſs, if the ſame can be ſo had; which ſaid money borrowed ſhall be applied and diſpoſed of, as the ſaid toll or duty is by this act applied and diſpoſed of, and to no other uſe, intent, or purpoſe whatſoever.

15 truſtees may aſſign the toll as ſecurity for money borrowed to repair the road.

X. Provided always, That in caſe there ſhall be more than one gate or turnpike in, acroſs, or on the ſide of the ſaid highways or roads between the ſaid city of Dublin and Kinnegad, no perſon or perſons having paid the toll or duty at the firſt gate or turnpike, through which ſuch perſon or perſons ſhall paſs, and producing a note or ticket that the ſaid toll or du-

Perſons delivering a ticket of payment at the firſt gate, not liable to pay at another,

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ty was paid, which note or ticket the receiver or receivers, collector or collectors, is and are hereby required to give gratis, ſhall be liable to pay any toll or duty at any other of the ſaid gates or turnpikes upon or on the ſide of the ſaid highway or road, ſuch perſon or perſons delivering the ſaid note or ticket to the ſaid receiver or receivers, collector or collectors, of the ſaid toll or duty at the latter gate or turnpike the ſame day; and no perſon or perſons having occaſion to paſs the place or places, where the toll or duty is taken, and who ſhall return the ſame day upon or with the ſame horſe, mare, gelding, aſs, mule, cattle, coach, chariot, berlin, chaiſe, chair, calaſh, waggon, cart, carr, or other carriage, ſhall be lyable or compellable the ſame day to pay the ſaid toll or duty more than once on the ſaid road.

nor returning ſame day with ſame horſe or carriage.

Giver and receiver of a ticket to avoid payment of toll ſhall reſpectively forfeit 10 s.

XI. And for preventing frauds and abuſes in the ſaid toll or duty; be it enacted by the authority aforeſaid, That if any perſon or perſons having paid the toll or duty by this act granted and made payable, and having ſuch note or ticket, notes or tickets, as hereby directed, ſhall give or diſpoſe of the ſame to any other perſon or perſons in order to avoid the payment of the ſaid toll or duty, every ſuch perſon giving, diſpoſing, or offering, and the perſon receiving ſuch note or ticket, notes or tickets, and being thereof convicted upon oath before the ſaid truſtees, or any five or more of them, or before any one or more juſtice or juſtices of the peace for the county wherein ſuch offence or offences ſhall be committed, which oath the ſaid truſtees and the ſaid juſtice or juſtices are hereby impowered to adminiſter, ſhall reſpectively forfeit and pay the ſum of ten ſhillings; to be levied, recovered, and diſpoſed of as any other penalty or forfeiture is directed to be levied, recovered, and diſpoſed of by this act.

No toll paid on days of election for Dublin, Kildare, and Weſtmeath, &c.

XII. Provided always, and it is hereby declared, That during the continuance of this act all coaches and paſſengers on horſeback ſhall paſs and repaſs toll-free on the day or days, on which there ſhall be an election for knight or knights of the ſhire to ſerve in Parliament for the ſaid counties of Dublin, Kildare, and Weſt-Meath, or citizens for the ſaid city of Dublin, or for any burgeſs to ſerve in Parliament for any borough in the ſaid counties reſpectively; any thing herein contained to the contrary notwithſtanding.

5 truſtees may compound, for any ſums, to be paid quarterly.

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XIII. And be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any five or more of them, may and are hereby impowered from time to time, as they ſhall ſee convenient or think fit, to compound or agree by the year or otherwiſe with any perſon or perſons uſing to travel through any turnpike or turnpikes, to be erected in purſuance of this act, with any milch cows,

cows, horſe, mare, or gelding, aſs or mule, or with any coach, berlin, calaſh, chaiſe, chair, waggon, cart, car, or other carriage, for any ſum or ſums of money, to be paid quarterly from time to time after ſuch agreement ſhall be made.

Exempt from toll:

XIV. Provided alſo, and it is hereby declared, that no perſon ſhall be charged with any of the ſaid tolls or duties aforeſaid, who ſhall paſs through any of the turnpikes to be erected by this act, who ſhall carry any quantities of Kilkenny-coals, or of ſtones, gravel, or other materials for repairing of the ſaid roads, or any of the roads in the ſaid pariſhes in which the ſame do lye, or in any of the nighbouring pariſhes; nor ſhall any perſon or perſons be chargeable with the ſaid toll or duty for any carts, carrs, or waggons loaded with corn in the ſtraw only; nor for any ploughs, harrows, or other implements of huſbandry in order to the uſing or repairing of the ſame in the ſeveral pariſhes in which the ſaid highways or roads hereby intended to be repaired do lye; nor ſhall any toll or duty be demanded or taken at any of the turnpikes to be erected for any horſe, mare, gelding, aſs, or mule, or other cattle going to water, or for any poſt-horſe carrying the mail or packet, or for ſuch horſe as is or ſhall be uſed only to ride on by the owner or driver of any waggon, cart, or carriage; provided ſuch horſe paſs through the ſaid turnpike or turnpikes with ſuch waggon, cart, or carriage; nor ſhall any toll or duty be demanded or taken for the horſes of ſoldiers paſſing, that are upon their march, or for waggons, carts, carrs, or other carriages attending them, or for horſes, waggons, carts, carrs, or other carriages travelling with vagrants ſent by paſſes, or with priſoners tranſmitted from one part of the kingdom to another.

Perſons carrying Kilkenny-coals, or materials for repairing ſaid roads, or thoſe of neighbouring pariſhes:

or corn in ſtraw only:

or Implements of huſbandry to be uſed in the pariſhes where ſaid roads lye:

or Cattle going to water:

or Poſt-horſe with the mail;

the waggoner's horſe.

Soldiers on march:

Vagrants paſſed or priſoners tranſmitted.

Continuance of ſaid toll 21 years from 25 March 1732. 7 G. 2. 21. *continued* 21 *years, except as altered.*

XV. And be it further enacted by the authority aforeſaid, That the toll or duty hereby granted ſhall take place and have continuance only from and after the twenty fifth day of March in the year of our lord one thouſand ſeven hundred and thirty two for and during the term of twenty one years.

unleſs before the road adjudged ſufficiently repaired by majority of truſtees, under hand and ſeal,

and money advanced repaid.

XVI. Provided nevertheleſs, That if at any time before the expiration of the term of twenty one years all parts of the ſaid road ſhall be ſufficiently amended and repaired, and ſo adjudged by the majority of the truſtees, appointed or hereafter to be choſen by virtue of this act, by an adjudication under their hands and ſeals, that then from and after ſuch adjudication made, and re-payment of ſuch money as ſhall have been advanced or borrowed, with intereſt for the ſame, and the coſts and charges thereof, the ſaid toll and duties ſhall ceaſe and determine; any thing herein contained to the contrary notwithſtanding.

XVII. And

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Five truſtees, on death, removal, or refuſing to act, may elect others living in ſaid counties.

XVII. And be it further enacted by the authority aforeſaid, That for the continuing of a ſufficient number of fit and able perſons to be truſtees for putting in execution all and every the powers in this act contained for and during the continuance thereof it ſhall and may be lawful to and for the ſaid truſtees, or any five or more of them, upon the death of any of the ſaid truſtees, removal, or refuſing to act in the ſaid truſt, by any writing or writings under their hands and ſeals from time to time, and at all times hereafter during the term aforeſaid, to elect, nominate, and appoint in the room of ſuch truſtee or truſtees ſo deceaſed, removed, or refuſing to act, ſo many more fit and able perſon or perſons, living in the ſaid counties of Dublin, Kildare, or Weſt-Meath, to be joyned with the ſaid truſtees in the execution of all and every the power and powers in them repoſed by virtue of this act; and all and every perſon or perſons, ſo to be choſen truſtee or truſtees to joyn in putting this act in execution, as they are herein before qualified to do, ſhall, and may, and are hereby impowered to act to all intents and purpoſes, in as full, large, and ample manner as the ſaid truſtees are by this act impowered to do, and ſo *toties quoties* as often as occaſion ſhall be or require.

21 truſtees ſhall meet at the Tholſel firſt Tueſday in March 1731,

adjourn and meet near ſaid road, as often as neceſſary,

and for want of ſufficient number; the clerk fixing notice on the turnpikes, 10 days before, ſhall appoint next meeting a fortnight after.

XVIII. And be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any twenty one or more of them, ſhall meet at the Tholſel of the city of Dublin on the firſt Tueſday in the month of March in the year of our Lord one thouſand ſeven hundred and thirty one, and the ſaid truſtees ſhall then adjourn themſelves, and afterwards meet there, or at any other place or places near the ſaid highways or roads to be repaired, as the ſaid truſtees, or any five or more of them, ſhall think proper or convenient, as often as it ſhall be neceſſary for the putting this act in execution; and if it ſhall happen, that there ſhall not appear at any meeting, which ſhall be appointed to be had or held by the ſaid truſtees, a ſufficient number of truſtees to act at ſuch meeting and to adjourn to any other day, then and in ſuch caſe the clerk to the ſaid truſtees by notice in writing, to be affixed at the reſpective gates or turnpikes at leaſt ten days before the next meeting, ſhall appoint the ſaid truſtees to meet at the houſe, where the meeting of the ſaid truſtees was laſt appointed to be held, or at ſome other convenient houſe near the ſaid roads, on the day fortnight next after the day upon which ſuch laſt meeting of the ſaid truſtees was appointed to have been held; and that the ſaid truſtees at their firſt meeting and at all other their ſubſequent meetings ſhall defray their own charges and expences.

Truſtees at meeting to defray their charges.

XIX. Pro-

XIX. Provided always, and be it further enacted by the authority aforeſaid, That no perſon or perſons, appointed or to be appointed by this act a truſtee or truſtees for putting this act in execution, ſhall have or accept of any place of profit ariſing out of or by reaſon of the toll or duty by this act laid or granted; but ſuch perſon or perſons ſhall be incapable from the time of accepting and continuing to enjoy ſuch place of profit of acting as a truſtee.

none having place of profit out of the toll ſhall be truſtee.

XX. And whereas the road leading from the bridge at Lucan by the cauſeway of Saint Katherine's to the town of Leixlip by the ſudden and frequent overflowing of the river Liffey over the ſaid cauſeway is dangerous to paſſengers, ſeveral perſons having loſt their lives, and many cattle having been drowned, and it is almoſt impracticable to raiſe and make the ſame ſafe and commodious, and by the building of a bridge over the river in a convenient place, and turning the road another and ſhorter way, the like accidents will for the time to come be prevented: be it enacted by the authority aforeſaid, That the truſtees herein appointed, may and ſhall build a bridge of ſtone and lime in ſome convenient place over the ſaid river, and make a new road through the town of Lucan and lands of Cooltreny leading to ſuch bridge, paying and allowing for any damages to the owner or occupier of ſuch lands through which the ſaid road ſhall be ſo made; and in caſe any difference ariſes between the ſaid truſtees and ſuch owner or occupier, the ſame ſhall be determined in ſuch manner, as is directed by this act touching other differences herein before mentioned.

Truſtees may build a bridge over the liffey, and make a new road through Lucan, &c.

paying the owner for damages,

Differences determined as aforeſaid.

XXI. And be it further enacted by the authority aforeſaid, when ſuch bridge is built, and ſuch new road made, that then the road now leading from Lucan by the cauſeway of Saint Katherine's ſhall ceaſe to be a high road.

and then the road by St. Katherines ſhall not be a high road.

XXII. And be it further enacted by the authority aforeſaid, That if any ſuit ſhall be commenced againſt any perſon or perſons for any thing done in purſuance of this act, that in every ſuch caſe the action ſhall be laid in the ſaid county of Dublin, or county of Kildare, or county of Weſt-Meath, and not elſewhere; and the defendant or defendants in ſuch action or actions to be brought may plead the general iſſue, and give this act and the ſpecial matter in evidence at any tryal to be had thereupon, and that the ſame was done in purſuance and by the authority of this act; and if it ſhall appear ſo to be done, or that ſuch action or actions ſhall be brought in any other county, that then the jury ſhall find for the defendant or defendants; and upon ſuch verdict, or if the plaintiff ſhall be nonſuited, or diſcontinue his action, after the defendant or defendants ſhall have appeared, or if on any demurrer

Suits againſt perſons for acting laid in ſaid counties only,

Defendants may plead general iſſue, &c.

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demurrer judgment ſhall be given againſt the plaintiff, the defendant or defendants ſhall and may recover treble coſts, and have the like remedy for the ſame, as any defendant or defendants hath or have in other caſes by law.

and have treble coſts.

XXIII. And be it further enacted by the authority aforeſaid, That this act ſhall be deemed, adjudged, and taken to be a publick act, and be judicially taken notice of as ſuch by all judges, juſtices, and other perſons whatſoever, without ſpecially pleading the ſame.

this a publick act.

CHAP. XVII.

An Act for repairing the road leading from the Black-bull in the county of Meath, to the town of Athboy in the ſaid county.

The road not to be repaired by ordinary courſe.

WHEREAS the highway or road leading from the Black-bull inn, ſituate on the lands of Pierſtown in the county of Meath, to the town of Trim, and from thence to the town of Athboy in the ſaid county, by reaſon of ſeveral hollow ways, and of the many and heavy carriages frequently paſſing through the ſame, are become ſo ruinous and bad, that in the winter ſeaſon many parts thereof are impaſſable for waggons, carts, carrs, and carriages, and very dangerous for travellers, and cannot by the ordinary courſe appointed by the laws and ſtatutes of this realm be effectually mended and kept in good repair: wherefore, and to the intent that the ſaid highways or roads may with convenient ſpeed be effectually amended and hereafter kept in good and ſufficient repair, ſo that all perſons may travel through the ſame with ſafety; be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That for the better ſurveying, ordering, amending, and keeping in repair the ſaid highway or road, it ſhall be in the power of the right honourable Chaworth earl of Meath, the right honourable Edward earl of Drogheda, the right honourable William lord baron of Howth, the right honourable Brinſley lord viſcount Laneſborough, the right honourable Henry lord baron of Santry, Mathew Barnewall eſquire, commonly called lord Trimbleſtown, the right reverend Ralph lord biſhop of Meath, the right honourable Sir Ralph Gore baronet, ſpeaker of the honourable houſe of commons, the honourable Edward Brabazon, the right honourable William Conolly eſquires, Sir compton Domville baronet, the right honourable Sir Thomas Taylor baronet, Richard Weſley, Hercules Rowley ſenior, Hercules Rowley junior, Robert Percival eſquires, the reverend doctor Swift dean of St. Patrick's the honourable general Robert Napper, James Lenox Napper, Robert Napper, Thomas Carter, Thomas Blighe, Nathaniel Preſton, Peter Ludlow, John Preſton ſenior, John Preſton junior, Thomas Meredith, Thomas Pearſon, John Wade, eſquires, Thomas Trotter eſquire doctor of laws, Wentworth Harman, Thomas Forteſcue, Charles Lambert ſenior, Charles Lambert junior, Joſeph aſh, James Garſtin, Thomas Loftus, Marcus Anthony Morgan, Ralph Smith, Thomas Staunton, John Donnellan, Edward Bolton eſquires, alderman James Summervill, Hans Woodman, *alias* Wood, William Graham, Richard Gorges, William Ludlow, Robert Tighe, Dillon Pollard Hampſon, William Becket, Hercules Courtney, Charles Hamilton, Thomas Taylor, Robert Shiels, Benjamin Chapman, Chriſtopher Nicholſon, Robert Waller, John Rochfort, Roger Jones, Nathaniel Bull, Michael

Truſtees for repair thereof. 23 G. 2. 16. *may ſue, &c. as if incorporated, and muſt have* 50*l.* per annum, *freehold, or* 1600 *l.*

Michael Cuffe, Henry Sandford, Henry Owen, Edward Donellan, Benjamin Pratt, William Longfield, Robert Fox eſquires, captain Samuel Woodward, reverend Thomas Willis clerk, reverend Luke Sterling clerk, Walter Nugent, Charles Wade eſquires, Charles Batty gentleman, alderman Percival Hunt, alderman Samuel Burton, the reverend Dive Downes clerk, reverend doctor Caleb De Butts, John Tandy, James Clark, Walter Burton, Luke Gardiner, Nathaniel Clements, William Fitz-Herbert, Benedict Arthure, Thomas Moland, Arthur Dillon eſquires, reverend Richard Steward clerk, alderman William Quaile, Edward Dudgeon, Bruen Worthington, Hartley Hutchinſon eſquires, alderman Nathaniel Pearſon, Enoch Sterne eſquire, reverend doctor John Madden, Chriſtopher Uſher, John Sale, Edward Sale, William Smith, John Maxwell, Francis Stoyte, Arthur Dawſon, Periam Pole, Richard Foord, Fielding ſhaw, Oliver Moore eſquires, doctor Thomas Bolton, reverend Richard Bolton clerk, Edward Mocklare gentleman, reverend Stafford Lightburne clerk, reverend doctor Anthony Lowcay, reverend John Smith clerk, reverend Martin Deane clerk, reverend James Garſtin clerk, reverend Mr. John Packer clerk, Noah Webb, Robert Owen, Robert Rayner, David Tew, John Tew, Mark Tew, John Fox, Sterne Tighe, William Stear, William Tew, Thomas Bomford, Stephen Bomford, Henry Rowley, John Harris ſenior, John Harris junior, Thomas Harris, John Carſhore, Joſiah Evans, Thomas Williams, John Clarke, William Forſter, George Dennis, William Starling, George Tyrrell, dean Swift, Charles Barry, Thomas Vizier, James Wilſon, William Noy, Edward Noy, John Potterton, Thomas Nangle, Richard Price, Richard Pilkington, William Fitz-Simons, Robert Williams, Lancellot Fiſher, James Reilly, Thomas Dowdall, Daniel Griffin, John Crooke, Chriſtopher Roin, Simon Rochfort, George Wilſon, Patrick Sandys, Richard Garland, Robert Fox, and William Hamilton gentlemen; who are hereby nominated and appointed truſtees of the ſaid roads, and the ſurvivors of them, that they, or any ſeven or more of them, or ſuch perſon or perſons as they, or any ſeven or more of them, ſhall authorize and appoint, ſhall and may erect, or cauſe to be erected, one or more gate or gates, turnpike or turnpikes, in, upon, or acroſs any part or parts of the ſaid highways or roads; and alſo a toll-houſe or toll-houſes, and there ſhall receive and take the tolls and duties following before any horſe, mare, gelding, aſs, or mule, cattle, coach, berlin chariot, calaſh, chaiſe, chair, waggon, wain, cart, car, or other carriage ſhall be permitted to paſs through the ſame: (*viz.*) for every coach, berlin, chariot, calaſh, chaiſe, or chair drawn by ſix horſes or more, the ſum of one ſhilling; and for every coach, berlin, chariot, calaſh, chaiſe, or chair, drawn by any leſs number of horſes than ſix, and more than one, the ſum of ſix pence; for every waggon, wain, cart, or carriage with four wheels the ſum of eight pence; for every wain, cart, or carriage with two wheels, having more than one horſe, mare, gelding, or mule, the ſum of three pence; for every carriage commonly called a chair or chaiſe with one horſe, mare, or gelding, the ſum of two pence; for every cart or other carriage having but one horſe, mare, gelding, or mule, the ſum of one penny; for every horſe, mare, gelding, mule, or aſs laden or unladen, and not drawing, one half-penny; for every drove of oxen or neat cattle, the ſum of ten pence *per* ſcore, and ſo in proportion for any greater or leſſer number; for every drove of calves, hoggs, ſheep, or lambs, the ſum of five pence *per* ſcore, and ſo in proportion for any greater or leſſer number; which ſaid reſpective ſum and ſums of money ſhall be demanded and taken in the name of or as a toll or duty; and the money ſo to be raiſed as aforeſaid is and ſhall hereby be veſted in the ſaid truſtees, and the ſame and every part thereof ſhall be paid, applied, diſpoſed of, and aſſigned to and for the ſeveral uſes, intents, and purpoſes, and in ſuch manner as is herein after mentioned and directed; and the ſaid truſtees, or any ſeven or more of them, are hereby impowered by themſelves, or any perſon or perſons by them, or any ſeven or more of them, under their hands and ſeals thereunto authorized, to levy the toll or duty hereby required

any 7 may erect gates, turnpikes and toll-houſes,

and take toll

for a coach, &c. 6, 1 s.

leſs than 6, & above 1, 6 d.

4 wheeled wains, &c. 8 d.

2 wheeled and above 1 horſe, 3 d.

chaiſe and 1 horſe, 2 d.

other carriage 1 d.

a horſe not drawing one half-penny,

oxen, &c. 10 d.

calves, &c. 5 d. *per* ſcore,

the money veſted in the truſtees,

any 7 &c. may on non-payment levy by diſtreſs,

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required to be paid upon any perſon or perſons, who ſhall after demand made thereof neglect or refuſe to pay the ſame, by diſtreſs of any horſe or horſes, or other cattle or goods upon which ſuch toll or duty is by this act impoſed, or upon any other of the goods and chattels of ſuch perſon or perſons who ought to pay the ſame, and may detain and keep the ſame until ſuch toll or duty, with the reaſonable charges of ſuch diſtraining or keeping, ſhall be paid: and it ſhall and may be lawful to and for ſuch perſon or perſons ſo diſtraining, after the ſpace of five days after ſuch diſtreſs made and taken, to ſell the goods ſo diſtrained, returning the overplus (if any be) upon demand to the owner thereof after ſuch toll, duty, and reaſonable charges for diſtraining and keeping the ſame ſhall be deducted and paid.

and ſell after 5 days.

II. And be it further enacted by the authority aforeſaid, That out of the firſt money ariſing from the profits of the ſeveral turnpikes ſo to be erected the ſaid truſtees, or any ſeven or more of them, ſhall firſt pay and diſcharge the expence of procuring this act of Parliament, and of erecting ſuch turnpike or turnpikes, or building ſuch toll-houſe or toll-houſes; and from and after ſuch charges and expences ſhall be fully ſatisfied and paid, that then and from thenceforth the profits ariſing, and the toll to be collected at any turnpike or turnpikes, to be erected and ſet upon the ſaid road leading from the Black-bull aforeſaid to the town of Athboy, ſhall be applied for and towards the repair of the ſaid road only, and not elſewhere.

after paying charges, the profits laid out on the road.

III. And be it further enacted by the authority aforeſaid, That if any perſon or perſons whatſoever owning, renting, or occupying any land near unto any turnpike, to be erected in purſuance of this act, ſhall for gain, reward, or otherwiſe, willingly permit any perſon or perſons whatſoever to paſs through any gate, paſſage, or way, with any coach, berlin, chariot, calaſh, chaiſe, or chair, waggon, wain, cart, carr, carriage, or riding or driving any horſe, aſs, mule, of any ſort of cattle, to avoid the payment of the toll hereby appointed to be paid, and be thereof convicted upon oath before the ſaid truſtees, or any ſeven or more of them, or before one or more juſtice or juſtices of the peace for the county wherein ſuch offence or offences ſhall be committed, who are hereby impowered and required to adminiſter ſuch oath, every perſon ſo offending ſhall forfeit and pay to the truſtees authorized to put this act in execution the ſum of ten ſhillings, to be levied by diſtreſs and ſale of the offenders goods by warrant under the hand and ſeal or under the hands and ſeals of the ſaid truſtees, or any ſeven or more of them, or ſuch juſtice or juſtices, rendring the overplus to the owner (if any be) the charges in taking and diſpoſing of the ſaid goods being firſt deducted.

owners of land near a turnpike permitting paſſage,

penalty 10 s. to truſtees.

IV. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid truſtees, or any ſeven or more of them, to erect one or more gate or gates, turnpike or turnpikes, on the ſide of the ſaid high ways or roads acroſs any lane or way leading out of the ſaid road, and to build one or more toll-houſe or toll-houſes, and there to receive and take ſuch toll as is appointed by this act to be taken, ſo as the ſame do not extend to a double charge in caſe of paſſing through any other of the turnpikes, to be erected by virtue of this act between the ſaid Black-bull-inn and town of Athboy.

Gates, &c. may be erected on the ſide, croſs any way leading out of ſaid road, and toll collected, ſo as no double charge.

V. And be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any ſeven or more of them, at their firſt meeting or any ſucceeding meeting by writing under their hands and ſeals ſhall and may elect, nominate, and appoint, one or more fit perſon or perſons to be receiver or receivers, collector or collectors of ſuch money, in the name of ſuch toll or duty, as ſhall be due and payable by virtue of this act; and alſo one or more fit perſon or perſons to be ſurveyor or ſurveyors to ſee the condition of the ſaid highway or road, and to ſee that the ſame be repaired and amended, and that the money ariſing and expended by virtue of this act be duly applied; and from time to time to remove ſuch collectors, receivers, and ſurveyors, or any or either of them, as they ſhall ſee occaſion, and appoint new ones in caſe of death or of ſuch removal; and ſuch perſon or perſons, as is or are by this

7 truſtees at meeting may appoint receivers and ſurveyors,

remove and elect others;

this act lyable to pay the ſaid toll or duty, is and are hereby required to pay the ſame after the rates aforeſaid to the ſaid receiver or receivers, collector or collectors, of the ſaid toll or duty in that behalf from time to time appointed as aforeſaid; and the perſon or perſons ſo appointed as aforeſaid for receiving the ſaid toll or duty, and all ſuch ſurveyor or ſurveyors as aforeſaid, ſhall upon oath, if thereto required by the truſtees, or any ſeven or more of them, or before one or more juſtice or juſtices of the peace reſiding near the highway or road aforeſaid, which oath ſuch truſtees, or any ſeven or more of them, or ſuch juſtice and juſtices, is and are hereby impowered and required to adminiſter on the firſt Tueſday in every month, or oftner, (if required) during the continuance of this act give in a true, exact, and perfect account in writing under their reſpective hands, of all moneys, which he and they, and every or any of them, ſhall to ſuch time have received, paid, and diſburſed by virtue of this act by reaſon of their reſpective offices, for which oath no fee or reward ſhall be taken; and in caſe any money ſo received ſhall remain in their or any of their hands, the ſame ſhall be paid to the ſaid truſtees, or any ſeven or more of them, or to ſuch perſon or perſons as the ſaid truſtees, or any ſeven or more of them (as they are qualified to act) ſhall by any writing or writings under their hands and ſeals authorize and impower to receive the ſame; which ſhall be diſburſed and laid out in amending the ſaid highways or roads according to the true intent and meaning of this act, and not otherwiſe; and the ſaid truſtees, or any ſeven or more of them, to whom ſuch account ſhall be given, ſhall and may out of the money ariſing by the ſaid toll or duty make ſuch allowance unto the ſaid receiver or receivers, collector or collectors, and the ſurveyor or ſurveyors, for and in conſideration of his and their care and pains reſpectively taken in the execution of his and their office and offices, and to ſuch other perſon or perſons who have been or ſhall be aſſiſting in and about procuring the ſaid highways and roads to be amended and repaired by advancing or laying out any moneys, or otherwiſe relating thereunto, as to them ſhall ſeem good; ſo as ſuch allowance or allowances to ſuch collector or collectors do not annually exceed in the whole the ſum of thirty pounds, and to ſuch ſurveyor or ſurveyors the ſum of three ſhillings *per diem*, during ſuch time or times as he or they ſhall be reſpectively employed in the repair of the ſaid roads; and ſo as ſuch allowance or allowances to any other perſon or perſons, who ſhall be employed by virtue of this act, do not exceed the ſum of fifteen pounds yearly to each perſon; and in caſe the ſaid receiver or receivers, collector or collectors, of the aforeſaid toll or duty, or any of them, ſhall not make ſuch account and payment unto ſuch perſon or perſons according to the orders and directions of the ſaid truſtees, or any ſeven or more of them as aforeſaid, that then the ſaid juſtices of the peace, at any ſpecial ſeſſions or meeting of them, to be holden for the county in which the ſaid receiver or receivers, collector or collectors, have acted or been employed, and made ſuch default as aforeſaid, ſhall and are hereby required and impowered to make inquiry, and finally to determine of and concerning ſuch default, as well by confeſſion or examination upon oath of the ſaid parties themſelves, as by the teſtimony of one or more credible witneſs or witneſſes upon oath, which oath they are hereby impowered and required to adminiſter without fee or reward; and if any perſon or perſons ſhall be convicted thereof by ſuch juſtices, the ſaid juſtices ſhall upon ſuch conviction commit the party or parties to the common goal of the county, where ſuch offence ſhall be committed, there to remain without bail or mainprize until he or they ſhall have made a true and perfect account and payment as aforeſaid.

Receivers and ſurveyors ſhall account in writing, on oath if required, on firſt Tueſday monthly, or oftner,

and pay ſurplus to truſtees, &c.

to be laid out on the road.

Allowance to receivers not above 30 l. yearly in the whole, to ſurveyors 3 s. *per diem*, while employed, to others, not above 15 l. each, yearly.

On default of account and payment, juſtices at ſpecial ſeſſions ſhall inquire, and commit offenders.

VI. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid ſurveyor and ſurveyors, and ſuch perſon or perſons as he or they ſhall appoint, to dig, raiſe, gather, take, and carry away any gravel, furze, ſand, ſtones, or other materials, out of any waſte or common of any pariſh, town, village, or hamlet, in or near which any founderous or ruinous places of the ſaid highways or roads do lie, and for want of ſufficient gravel, furze, ſand, ſtones, or other materials there to dig, gather, raiſe, take, and carry away the ſame out of the waſte or common of any neighbouring pariſh, town, village, or hamlet, without

Surveyors, &c. may dig for materials in any neighbouring waſte or common, without paying, and, if not ſufficient, in any grounds by order of 7 truſtees,

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without paying any thing for the ſame; and where there is not ſufficient of ſuch materials in any commons or waſte grounds near adjoyning, it ſhall and may be lawful for them by order of the ſaid truſtees, or any ſeven or more of them, to dig, raiſe, and gather the ſame in the ſeveral grounds of any perſon or perſons not being a garden, orchard, yard, or meadow, planted walk or walks, or avenue to a houſe, where any ſuch materials are or may be found, and from time to time to carry away ſuch and ſo much thereof, as the ſaid ſurveyor or ſurveyors in their reſpective places ſhall adjudge neceſſary for the repairing and amending the ſaid highways or roads; paying ſuch rate for ſuch materials, and for the damage to the owner or occupier of the ground, from whence the ſame ſhall be digged, raiſed, gathered, and carried away, as the truſtees appointed or to be appointed to put this act in execution ſhall adjudge reaſonable; and in caſe of any difference between ſuch owner or occupier and the ſaid truſtees touching the value of the materials and damage aforeſaid, the judges of aſſize at the next general aſſizes and general goal delivery, to be holden in the county where ſuch materials ſhall be digged, raiſed, or gathered, and from whence the ſame ſhall be carried away, may and ſhall adjudge, aſſeſs, and finally determine the ſame.

not being garden, &c. 11 G. 2. 17. may dig in potatoe gardens. paying the owner,

Differences ſettled at aſſizes or ſeſſions.

VII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſurveyor or ſurveyors, and ſuch perſon or perſons as he or they ſhall appoint from time to time, to remove and prevent annoyances on any part of the ſaid highways or roads hereby intended to be repaired by filth, dung, aſhes, rubbiſh, water-courſes, ſinks, or drains, running into the ſaid highways or roads, and to cleanſe any ditch or water-courſes adjoyning to the ſaid roads, or to cut down, lop, or top any trees or buſhes growing in the ſaid highways, or in the hedges or banks adjacent to the ſaid highways, and to take and carry away the ſame, the owners or occupiers neglecting to cut down ſuch trees or buſhes, or to remove ſuch other annoyances, for the ſpace of ten days after notice in writing given for that purpoſe under the hands of ſeven of the ſaid truſtees; the charges whereof ſhall be reimburſed the ſaid ſurveyor or ſurveyors by ſuch owners or occupiers neglecting to cut down the ſaid trees or buſhes, or to remove ſuch other annoyances aforeſaid; and if after removal of any ſuch annoyances any perſon or perſons ſhall again offend in the like kind, every ſuch perſon or perſons ſo offending, and being thereof convicted upon oath before one or more juſtice or juſtices of the peace for the ſaid county, where ſuch offence ſhall be committed, ſhall for every ſuch offence forfeit and pay unto the ſaid truſtees, where ſuch offence ſhall be committed, the ſum of ten ſhillings, to be levied in manner aforeſaid.

Surveyors may remove annoyances, cleanſe ditches adjoining, lop, or cut and carry away trees, on neglect of owner 10 days after notice in writing by 7 truſtees,

charges reimburſed by owner.

Offenders, after removal, pay on conviction before a juſtice 10s. to truſtees.

VIII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid ſurveyor or ſurveyors by order of the ſaid truſtees, or any ſeven or more of them, to make or cauſe to be made cauſe-ways, and to cut and make drains through any grounds lying contiguous to the ſaid roads, and to erect arches of brick, timber, or ſtone thereupon; and alſo to widen any of the narrow parts of the ſaid highways or roads by opening, clearing, and laying into the ſaid highways or roads any grounds of any perſon or perſons lying contiguous to ſuch highways or roads, not being a houſe, garden, orchard, planted walk, or avenue to a houſe; and alſo to cauſe ditches or trenches to be made in ſuch places, and in ſuch manner, as ſuch ſurveyor or ſurveyors by order of the ſaid truſtees, or any ſeven or more of them, ſhall adjudge neceſſary for the better amending and keeping the ſaid highways or roads in good repair; making ſuch reaſonable ſatisfaction to the owner or occupier of ſuch ground, which ſhall be ſo laid in or unto the ſaid highways or roads, or through which any ſuch drain or drains ſhall be cut, or on which any ſuch arch or arches ſhall be made, for the damages which he or they ſhall or may thereby ſuſtain, as ſhall be aſſeſſed and adjudged by the next going judge or judges of aſſize at the next general aſſizes to be holden for the county, in which ſuch ground ſhall be laid into the ſaid highways or roads, and through which any ſuch drain or drains, ditch or ditches ſhall be cut or made, or on which ſuch arch or arches ſhall be erected or made, or ſuch cauſeways made, in caſe

Surveyors by order of 7 truſtees may make cauſeways, drains, and arches in grounds contiguous, and widen the road by taking in ground, not being garden, &c. making reaſonable ſatisfaction, aſſeſſed at aſſiſes or ſeſſions on any difference.

caſe of any difference concerning the ſame; and if any owner or occupier of any water-courſes, ditch or ditches, adjoyning to the ſaid highways or roads, ſhall neglect or refuſe to ſcour or cleanſe ſuch water-courſes, and to make ſuch ditches ſo deep, and in ſuch manner, as the ſurveyor or ſurveyors ſhall adjudge proper and convenient, after ten days notice ſhall be given for that purpoſe by ſuch ſurveyor or ſurveyors to be appointed, or ſuch perſon or perſons as ſhall be appointed by him or them, to ſuch owner or owners, it ſhall and may be lawful to and for the ſurveyor and ſurveyors to ſet any man or men to work to ſcour or cleanſe and make the ſame, and by warrant from any ſeven or more of the ſaid truſtees to levy the charge thereof upon the perſons, goods, or eſtates of the owner or owners, occupier or occupiers, of ſuch water-courſe, ditch or ditches, by diſtreſs and ſale of his, her, and their goods and chattels, rendring the overplus (if any be) to the ſaid owner or occupier, after all charges paid.

If water courſes and ditches adjoining not cleanſed by owner on 10 days notice, ſurveyors may do it. 23 G. 2. 16. and by warrant of 7 truſtees levy the charge.

IX. And foraſmuch as the moneys, ſo to be collected by ſuch receipt of the ſaid toll, will not at preſent be ſufficient for the ſpeedy repairing of the ſaid highways or roads: be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any fifteen or more of them, ſhall, and may, and are hereby impowered from time to time by writing under their reſpective hands and ſeals to aſſign over the ſaid toll or duty hereby granted, or any part thereof, the coſts and charges whereof to be born and paid out of ſuch toll or duty for any term or time during the continuance of this act, as a ſecurity for any ſum or ſums of money by them to be borrowed for that purpoſe, to ſuch perſon or perſons or their truſtees who ſhall advance and lend the ſame, to ſecure the re-payment thereof, with lawful intereſt, or leſs, if the ſame can be ſo had; which ſaid money borrowed ſhall be applied and diſpoſed, of as the ſaid toll or duty is by this act to be applied and diſpoſed of, and to no other uſe, intent, or purpoſe whatſoever.

15 truſtees may aſſign the toll as ſecurity for money borrowed to repair the road.

X. Provided always, That in caſe there ſhall be more than one gate or turnpike in, acroſs, or on the ſide of the ſaid highways or roads between the ſaid Black-bull-Inn and the ſaid town of Athboy, no perſon or perſons having paid the toll or duty at the firſt gate or turnpike, through which ſuch perſon or perſons ſhall paſs, and producing a note or ticket that the ſaid toll or duty was paid, (which note or ticket the receiver or receivers, collector or collectors, is and are hereby required to give *gratis*) ſhall be liable to pay any toll or duty at any other of the ſaid gates or turnpikes upon or on the ſide of the ſaid highway or road, ſuch perſon or perſons delivering the ſaid note or ticket to the ſaid receiver or receivers, collector or collectors, of the ſaid toll or duty at the latter gate or turnpike the ſame day; and no perſon or perſons having occaſion to paſs the place or places, where the toll or duty is taken, and ſhall return the ſame day upon or with the ſame horſe, mare, gelding, aſs, mule, cattle, coach, chariot, Berlin, chaiſe, chair, calaſh, waggon, cart, car, or other carriage, ſhall be liable or compellable the ſame day to pay the ſaid toll or duty more than once on the ſaid road.

Perſons delivering ticket of payment at one gate, not liable to pay at another.

Nor returning ſame day with ſame horſe of carriage.

XI. And for preventing frauds and abuſes in the ſaid toll or duty be it enacted by the authority aforeſaid, That if any perſon or perſons, having paid the toll or duty by this act granted and made payable, and having ſuch note or ticket, notes or tickets, as are hereby directed, ſhall give or diſpoſe of the ſame to any other perſon or perſons in order to avoid the payment of the ſaid toll or duty, every ſuch perſon giving, diſpoſing, or offering, and the perſon receiving ſuch note or ticket, notes or tickets, and being thereof convicted upon oath before the ſaid truſtees, or any ſeven or more of them, or before any one or more juſtice of juſtices of the peace for the county wherein ſuch offence or offences ſhall be committed, which oath the ſaid truſtees and the ſaid juſtice or juſtices are hereby impowered to adminiſter, ſhall reſpectively forfeit and pay the ſum of ten ſhillings, to be levied, recovered, and diſpoſed of, as any other penalty or forfeiture is directed to be levied, recovered, and diſpoſed of by this act.

Giver and receiver of a ticket to avoid payment of toll, forfeits 10 s. reſpectively.

XII Provided always, and it is hereby declared, that during the continuance of this act all coaches and paſſengers on horſe-back ſhall paſs and repaſs toll free on the

No toll paid on days of elec-

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the day or days, on which there ſhall be an election for knight or knights of the ſhire to ſerve in Parliament for the county of Meath, or for any burgeſs to ſerve in Parliament for any burrough in the ſaid county; any thing herein contained to the contrary notwithſtanding.

tion for Meath, or a borough there.

XIII. And be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any ſeven or more of them, may, and are hereby impowered from time to time, as they ſhall ſee convenient, or think fit, to compound or agree by the year or otherwiſe with any perſon or perſons uſing to travel through the turnpike or turnpikes to be erected with any milch cows, horſe, mare, or gelding, aſs or mule, or with any coach, Berlin, calaſh, chaiſe, chair, waggon, cart, car, or other carriage, for any ſum or ſums of money, to be paid quarterly from time to time after ſuch agreement ſhall be made.

7 truſtees may compound for a ſum payable quarterly.

23 G. 2. 16.

Exempt from toll,

XIV. Provided alſo, and it is hereby declared, That no perſon or perſons ſhall be charged with any of the tolls or duties aforeſaid, who ſhall paſs through any of the turnpikes to be erected by this act, who ſhall carry any quantities of ſtones, gravel, or other materials for repairing of the ſaid roads, or any of the roads in the pariſhes in which the ſame do lie, or in any of the neighbouring pariſhes; nor ſhall any perſon or perſons be chargeable with the ſaid toll or duty for any carts, cars, or waggons loaded with corn in the ſtraw only; nor for any ploughs, harrows, or other implements of huſbandry, in order to the uſing or repairing of the ſame in the ſeveral pariſhes in which the ſaid highways or roads hereby intended to be repaired do lie; nor ſhall any toll or duty be demanded or taken at any of the turn-pikes to be erected for any horſe, mare, gelding, aſs, or mule, or other cattle going to water, or for any poſt-horſe carrying the mail or packet, or for ſuch horſe as is or ſhall be uſed only to ride on by the owner or the driver of any waggon, cart, or carriage, provided ſuch horſe paſs through the ſaid turnpike or turnpikes with ſuch waggon, cart, or carriage; nor ſhall any toll or duty be demanded or taken for any horſe or horſes of ſoldiers paſſing, that are upon their march, or for any waggons, carts, cars, or other carriages attending them, or for horſes, waggons, carts, cars, or other carriages, travelling with vagrants ſent by paſſes, or with priſoners tranſmitted from one part of the kingdom to another.

perſons carrying materials for repairing ſaid road, or roads in neighbouring pariſhes,

or corn in ſtraw only,

or implements of huſbandry to be uſed in pariſhes in which ſaid roads lye

Cattle going to water,

poſt-horſe with the mail,

waggoner's horſe,

ſoldiers on march,

vagrants paſſed, or priſoners tranſmitted.

Continuance 21 years from 10 March 1731.

XV. And be it further enacted by the authority aforeſaid, That the toll or duty hereby granted ſhall take place, and have continuance only, from and after the tenth day of March in the year of our Lord one thouſand ſeven hundred and thirty one for and during the term of twenty one years.

Unleſs the road adjudged before by majority of truſtees under hand and ſeal ſufficiently repaired,

and money advanced repaid.

XVI. Provided nevertheleſs, That if at any time before the expiration of the ſaid term of twenty one years all parts of the ſaid road ſhall be ſufficiently amended and repaired, and ſo adjudged by the majority of the truſtees appointed, or hereafter to be choſen by virtue of this act, by an adjudication under their hands and ſeals, that then from and after ſuch adjudication made, and re-payment of ſuch money as ſhall have been advanced or borrowed, with intereſt for the ſame, and the coſts and charges thereof, the tolls and duties ſhall ceaſe and determine; any thing herein contained to the contrary notwithſtanding.

7 truſtees on death, removal, or refuſing to act may elect others living in Meath.

XVII. And be it enacted by the authority aforeſaid, That for the continuing of a ſufficient number of fit and able perſons to be truſtees for putting in execution all and every the powers in this act contained for and during the continuance thereof, it ſhall and may be lawful to and for the ſaid truſtees, or any ſeven or more of them upon the death of any of the ſaid truſtees, removal, or refuſing to act in the ſaid truſt, by any writing or writings under their hands and ſeals from time to time, and at all times hereafter during the term aforeſaid, to elect, nominate, and appoint, in the room of ſuch truſtee or truſtees ſo deceaſed, removed, or refuſing to act, ſo many more fit and able perſon or perſons living in the ſaid county of Meath to be joined with the ſaid truſtees in the execution of all and every the power and powers in them repoſed by virtue of this act; and all and every perſon or perſons, ſo to be choſen truſtee or truſtees to join in putting this act in execution, as they are herein before qualified to do, ſhall, and may, and they are hereby impowered to act,

act, to all intents and purpoſes, in as full, large, and ample manner, as the ſaid truſtees are by this act impowered to do, and ſo *toties quoties*, as often as occaſion ſhall be or require.

15 truſtees to meet at the Tholſel ſecond Tueſday in March 1731. adjourn and meet near ſaid road as often as neceſſary, and for want of ſufficient number, the clerk by notice fixed to the turnpikes 10 days before ſhall appoint meeting a fortnight after.

XVIII. And be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any fifteen or more of them, ſhall meet at the Tholſel in the city of Dublin on the ſecond Thurſday in the month of March in the year of our Lord one thouſand ſeven hundred and thirty one, and the ſaid truſtees ſhall then adjourn themſelves, and afterwards meet there, or at any other place or places near the ſaid highways or roads to be repaired, as the ſaid truſtees, or any ſeven or more of them, ſhall think proper or convenient, as often as it ſhall be neceſſary for the putting this act in execution; and if it ſhall happen, that there ſhall not appear at any meeting, which ſhall be appointed to be had or held by the ſaid truſtees, a ſufficient number of truſtees to act at ſuch meeting, and to adjourn to any other day, then and in ſuch caſe the clerk to the ſaid truſtees by notice in writing, to be affixed at their reſpective gates or turnpikes at leaſt ten days before the next meeting, ſhall appoint the ſaid truſtees to meet at the houſe, where the meeting of the ſaid truſtees was laſt appointed to be had, or at ſome other convenient houſe near the ſaid roads, on the day fortnight next after the day upon which ſuch laſt meeting of the ſaid truſtees was appointed to have been held, and that the ſaid truſtees at their firſt meeting and at all other ſubſequent meetings ſhall defray their own charges and expences.

Truſtees at meeting bear their own expences.

none having place of profit out of the toll ſhall be truſtee.

XIX. Provided always, and be it further enacted by the authority aforeſaid, That no perſon or perſons, appointed or to be appointed by this act a truſtee or truſtees for putting this act in execution, ſhall have or accept of any place of profit ariſing out of or by reaſon of the toll or duty by this act laid or granted; but ſuch perſon or perſons ſhall be incapable from the time of accepting and continuing to enjoy ſuch place of profit of acting as a truſtee.

Actions againſt perſons for executing this act, laid in Meath only.

Defendants may plead general iſſue, &c.

and have treble coſts,

XX. And be it further enacted by the authority aforeſaid, That if any ſuit ſhall be commenced againſt any perſon or perſons for any thing done in purſuance of this act, that in every ſuch caſe the action ſhall be laid in the ſaid county of Meath, and not elſewhere; and the defendant or defendants in ſuch action or actions to be brought may plead the general iſſue, and give this act and the ſpecial matter in evidence at any tryal to be had thereupon, and that the ſame was done in purſuance and by the authority of this act; and if it ſhall appear ſo to be done, or that ſuch action or actions ſhall be brought in any other county, That then the jury ſhall find for the defendant or defendants; and upon ſuch verdict, or if the plaintiff ſhall be nonſuited, or diſcontinue his action after the defendant or defendants ſhall have appeared, or if on any demurrer judgment ſhall be given againſt the plaintiff, the defendant or defendants ſhall and may recover treble coſts, and have the like remedy for the ſame, as any defendant or defendants hath or may have in any other caſes by law.

this a publick act.

XXI. And be it further enacted by the authority aforeſaid, That this act ſhall be deemed, adjudged, and taken to be a publick act, and be judicially taken notice of as ſuch by all judges, juſtices, and all other perſons whatſoever, without ſpecially pleading the ſame.

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CHAP. XVII.

An act for repairing the road leading from the town of Kilcullen in the county of Kildare to the city of Kilkenny.

9 G. 2. 24. *amended, &c.*

WHEREAS the highway or road leading from the town of Killcullen in the county of Kildare through the towns of Caſtledermott, Catherlogh, Loughlinbridge and from thence to the city of Kilkenny, by reaſon of ſeveral hollow ways, and of the many and heavy carriages frequently paſſing through the ſame, are become ſo ruinous and bad, that in winter-ſeaſon many parts thereof are impaſſable for waggons, carts, carrs, and carriages, and very dangerous for travellers, and cannot by the ordinary courſe appointed by the laws and ſtatutes of this realm be effectually mended and kept in good repair: wherefore, and to the intent that the ſaid highways or roads may with convenient ſpeed be effectually amended, and hereafter kept in good and ſufficient repair, ſo that all perſons may travel through the ſame with ſafety; be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That for the better ſurveying, ordering, amending, and keeping in repair the ſaid highway or road it ſhall be in the power of his grace the archbiſhop of Dublin, the right honourable Robert earl of Kildare, the right honourable Edward earl of Drogheda, the right honourable Joſhua lord viſcount Allen, the right honourable Brabazon lord viſcount Duncannon, the right honourable the lord chief baron Marlay, the right reverend the lord biſhop of Ferns, the right reverend the lord biſhop of Kildare, the right reverend the lord biſhop of Oſſory, the right honourable Richard Tighe, and the right honourable James Tynte eſquires, the honourable Richard Allen, the honourable Richard Butler, and the honourable William Ponſonby eſquires, Sir Pierce Butler, Sir William Vigors Burdet, Sir Walter Burrows, and the honourable Sir Theobald Burke baronets, Nicholas Aylward, Maurice Keating, Thomas Carter, Wentworth Harman, Stephen Dean, Patrick Weymes, William Gore, Edward Worth, Richard Warren, Luke Gardiner, John Waller, Edward Stratford, Robert Dixon ſerjeant at law, John Stratford, John Bourke, Samuel Burton, Thomas Trotter, James Hamilton, Thomas Warren Richard Wolſey, Robert Burton, Warden Flood, Richard Butler, Richard Vincent, Walter Bagnall, John Beauchamp, William Paul, Henry Stanley Monck, and William Tighe eſquires, colonel John

The road not to be repaired by the ordinary courſe.

truſtees for repair thereof. 23 G. 2. 16. *may ſue, &c. as if incorporated.*

and muſt have 50 *l.* per ann. *freehold, or* 1000 *l.*

John Stewart, John Rochfort, Joſhua Paul, Richard Henry Keating, Thomas Keating, Robert Harman, Charles Aylmer, Francis Allen, Roger Jones, Philip Doyne, Robert Doyne, Maurice Warren, Henry Bunbury, Philip Bernard, Franks Bernard, Thomas Vigors, Benjamin Bunbury, William Browne of Ballymurphy, Alexander Graydon, Francis North Cæſar Colclough, Henry Colclough, Dudly Colclough, Benjamin Beauchamp, John Leigh, Charles Tottenham, John Sherigley, Richard Meredith, George Warten, Henry Warren, Abraham Roth, Thomas Green, Henry Agar, Henry Weymes, John Maxwell, James Agar eſquires, colonel Nevill, William Burgh, Thomas Burgh eſquires, the reverend Edward Moris clerk, Arthur Weldon, Richard Nuttall, Francis Anneſly, Henry Dixon, Roſs Fox, Thomas Aſh, Joſhua Paul junior, Denny Cuffe, Alexander Burrows, William Cooper, Arundel Beſt, William Wall, Achilles Colombine, Chriſtopher Hewetſon ſenior, Chriſtopher Hewetſon junior, Hugh Warren, John Shee, Thomas Roth, Arthur Helſham, Arthur Buſh, Amyas Buſh, Charles Duggan, Francis Duggan, Edward Dean, Arthur Webb junior, Godfrey Green, Robert Whitby, John Blundel, John Flood, Maurice Cuffe, Nicholas Shee, Theobald Purcell, William Murray eſquires, Joſiah Jackſon, John Linchy, Henry Davis, Charles Fleetwood, Graham Bradford, Terence Egan, Michael Lewis, Joſeph Jackſon, Thomas Gates, Francis Gates, George Graydon, John Cheny, Andrew Armſtrong, James Butler, Charles Dunroch ſenior, Charles Dunroch junior, Edward Hill, Thomas Cooper, Thomas Brown, Edmund Butler, Hugh Burne, Edward Sherlock, John Baily, Walter Fitz-Gerald, Rowland Euſtace, James Large, Edward Rutlage, John Dunfrey, John Bennet, Abell Strettell, Charles Bradock, Henry Fullard, John Otwell poſt-maſter of Kilcullen, Charles Bradſtreet, Richard Wheeler, Thomas Barns ſenior, Thomas Barns junior, Roger Anderſon, Thomas Butler, William Mathews, Henry Baker, William Izod, Lionel Izod, Henry Chandler, Robert Walſh, Charles Goddard, John Birch gentlemen, the reverend Robert Watts clerk, Enoch Walſh, John Biſhop, John Barton, Joſeph Evans, Daniel Sullevan, James Blakeney, John Mathews, Charles Flood, Richard Flood, James Burne, Thomas Armſtronge, Charles Burne, Miles Burke, Thomas St. John, James Bates, Thomas Medlicott, Simon Cavenagh, Dominick Ford, Francis Flood, Boyle Hewetſon, Robert Hewetſon, Edmund Byrne, John Symes, Thomas Cantwell, Thomas Bradiſh, Richard Egan, Richard Mulchahill, Matthew Shore, Michael Wall, Richard Jacob, and William Talbot gentlemen, who are hereby nominated and appointed truſtees of the ſaid roads, and the ſurvivors of them, that they, or any five or more of them, or ſuch perſon or perſons as they, or any five or more

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any 5, may erect gates, turnpikes, and toll-houſes,

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more of them, ſhall authorize and appoint, ſhall and may erect, or cauſe to be erected, one or more gate or gates, turnpike or turnpikes, in, upon, or acroſs any part or parts of the ſaid highways or roads; and alſo a toll-houſe or toll-houſes, and there ſhall receive and take the tolls and duties following before any horſe, mare, or gelding, aſs or mule, cattle, coach, berlin, chariot, calaſh, chaiſe, chair, waggon, wain, cart, carr, or other carriage, ſhall be permitted to paſs through the ſame; *viz.* for every coach, berlin, chariot, calaſh, chaiſe, or chair, drawn by ſix horſes or more, the ſum of one ſhilling; and for every coach, berlin, chariot, calaſh, chaiſe, or chair, drawn by any leſs number of horſes than ſix, and more than two, the ſum of eight pence; and for every coach, berlin, chariot, calaſh, chaiſe or chair, drawn by two horſes only, the ſum of ſix pence; and for every chaiſe or chair drawn by one horſe only, the ſum of three pence; for every waggon, wain, cart, car, or other carriage with four wheels, the ſum of eight pence; for every wain, cart, car, or other carriage with two wheels, having more than one horſe, mare, or gelding, aſs or mule, the ſum of three pence; for every car or other carriage having but one horſe, mare, or gelding, aſs or mule, the ſum of one penny; for every horſe, mare, or gelding, aſs or mule, whereon one or more perſons ſhall ride, one penny; for every horſe, mare, gelding, aſs or mule, laden or unladen, and not drawing, nor having any perſon riding thereon, one halfpenny; for every drove of oxen, or neat cattle, the ſum of ten pence *per* ſcore, and ſo in proportion for any greater or leſſer number; for every drove of calves, hogs, ſheep, or lambs, the ſum of five pence *per* ſcore, and ſo in proportion for any greater or leſſer number; which ſaid reſpective ſum and ſums of money ſhall be demanded and taken in the name of or as a toll or duty; and the money ſo to be raiſed as aforeſaid is and ſhall hereby be veſted in the ſaid truſtees, and the ſame and every part thereof ſhall be paid, applied, diſpoſed of, and aſſigned to and for the ſeveral uſes, intents, and purpoſes, and in ſuch manner, as is herein after mentioned and directed; and the ſaid truſtees, or any five or more of them, are hereby impowered by themſelves, or any perſon or perſons by them, or any five or more of them, under their hands and ſeals thereunto authorized, to levy the toll or duty hereby required to be paid upon any perſon or perſons, who ſhall after demand thereof neglect or refuſe to pay the ſame, by diſtreſs of any horſe or horſes, or other cattle or goods, upon which ſuch toll or duty is by this act impoſed, or upon any other of the goods and chattles of ſuch perſon or perſons who ought to pay the ſame, and may detain and keep the ſame until ſuch toll or duty with the reaſonable charges of ſuch diſtraining or keeping ſhall be paid; and it ſhall

and take toll, before any horſe or carriage paſs through,

the toll.

9 G. 2. 24. *altered.*

The money raiſed veſted in truſtees,

any 5 may on non-payment levy by diſtreſs, and ſell after 5 days.

and

and may be lawful to and for ſuch perſon or perſons ſo diſtraining after the ſpace of five days after ſuch diſtreſs made and taken to ſell the goods ſo diſtrained, returning the overplus (if any be) upon demand to the owner thereof after ſuch toll, duty, and reaſonable charges for diſtraining and keeping the ſame ſhall be deducted and paid. A. D. 1731. Chap. 18.

after paying charges, to be laid out on the road.

II. And be it further enacted by the authority aforeſaid, That out of the firſt money ariſing from the profits of the ſeveral turnpikes ſo to be erected the ſaid truſtees, or any five or more of them, ſhall firſt pay and diſcharge the expence of procuring this act of Parliament, and of erecting ſuch turnpike or turnpikes, or building ſuch toll-houſe or toll-houſes; and from and after ſuch charges and expences ſhall be fully ſatisfied and paid, that then and from thenceforth the profits ariſing from the toll to be collected at any turnpike or turnpikes, to be erected and ſet upon the ſaid road leading from the town of Kilcullen to the city of Kilkenny, ſhall be applied for and towards the repair of the ſaid road, or any ſum or ſums of money, as ſhall be borrowed on the credit of the ſaid toll, ſhall be applied for and towards repairing the ſaid road, beginning ſuch repairs at the town of Kilcullen, and continuing the ſame directly on through the town of Catherlough to Laughlin-bridge, and after the ſaid road from Kilcullen to Laughlin-bridge ſhall be compleatly amended and repaired, then and not before the profit ariſing by the ſaid toll, or any ſuch ſum or ſums of money, as ſhall be borrowed on the credit of the ſaid toll, ſhall be applied towards repairing the road leading from Laughlin-bridge to the city of Kilkenny only, and not elſewhere.

Firſt from Kilcullen to Laughlin-bridge,

and then to Kilkenny.

9 *G.* 2. 24. *altered.*

III. And be it further enacted by the authority aforeſaid, That if any perſon or perſons whatſoever owning, renting, or occupying any land near unto any turnpike to be erected in purſuance of this act ſhall for gain, reward, or otherwiſe wittingly or willingly permit any perſon or perſons whatſoever to paſs through any gate, paſſage, or way, with any coach, berlin, chariot, calaſh, chaiſe, or chair, waggon, wain, cart, car, or other carriage, or riding or driving any horſe, aſs, or mule, or any ſort of cattle, and be thereof convicted upon oath before the ſaid truſtees, or any five or more of them, or before one or more juſtice or juſtices of the peace for the county, where ſuch offence or offences ſhall be committed, which oath ſuch truſtees and juſtice or juſtices reſpectively are hereby impowered to adminiſter, every perſon ſo offending ſhall forfeit and pay to the truſtees authorized to put this act in execution the ſum of ten ſhillings, to be levied by diſtreſs and ſale of the offenders goods by warrant under the hand and ſeal or under the hands and ſeals of the ſaid truſtees, or any five or more of them, or ſuch juſtice or juſtices; rendering the overplus to the owner

Owners of land near a turnpike permitting paſſage,

Penalty 10 *s.* to truſtees.

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(if any be) the charges in taking and diſpoſing of the ſaid goods being firſt deducted.

Gates, &c. may be erected on the ſide, croſs any way leading out of the road,

IV. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid truſtees, or any five or more of them, to erect one or more gate or gates, turnpike or turnpikes, on the ſide of the ſaid highways or roads acroſs any lane or way leading out of the ſaid road, and to build one or more toll-houſe or toll-houſes, and there to receive and take ſuch toll, as is appointed by this act to be taken; ſo as the ſame do not extend to a double charge in caſe of paſſing through any other of the turnpikes to be erected by virtue of this act between the ſaid town of Kilcullen and the ſaid city of Kilkenny.

and toll collected, ſo as no double charge.

5 truſtees at meeting may appoint collectors and ſurveyors,

V. And be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any five or more of them, at their firſt meeting or any ſucceeding meeting by writing under their hands and ſeals ſhall and may elect, nominate, and appoint one or more fit perſon or perſons to be receiver or receivers, collector or collectors, of ſuch money, in the name of ſuch toll or duty as ſhall be due and payable by virtue of this act, and alſo one or more fit perſon or perſons to be ſurveyor or ſurveyors to ſee the condition of the ſaid highway or road, and to ſee that the ſame be repaired and amended, and that the money ariſing and expended by virtue of this act be duly applied; and from time to time to remove ſuch collectors, receivers,

remove and appoint others.

and ſurveyors, or any or either of them, as they ſhall ſee occaſion, and appoint new ones in caſe of death or of ſuch removal; and ſuch perſon or perſons, as is or are by this act liable to pay the ſaid toll or duty, is and are hereby required to pay the ſame after the rates aforeſaid to the receiver or receivers, collector or collectors, of the ſaid toll and duty in that behalf from time to time appointed as aforeſaid; and the perſon or perſons ſo appointed as aforeſaid for receiving the ſaid toll or duty, and all ſuch ſurveyor or ſurveyors as aforeſaid, ſhall upon oath, if thereunto required by the truſtees or any five or more of them, or before one or more juſtice or juſtices of the peace reſiding near the highway or road aforeſaid (which oath the ſaid truſtees or any five or more of them, or ſuch juſtice or juſtices, is and are hereby impowered and required to adminiſter) on the firſt Tueſday in every month, or oftner, if required, during the continuance of this act give in a true, exact, and perfect account in writing under their reſpective hands of all moneys, which he and they, and every or any of them, ſhall to ſuch time have received, paid, and diſburſed by virtue of this act by reaſon of their reſpective offices, for which oath no fee or reward ſhall be taken; and in caſe any money ſo received ſhall remain in their or any of their hands, the ſame ſhall be paid to the ſaid truſtees, or any five or more of them, or to

receivers and collectors to account, in writing, on oath if required, firſt tueſday monthly, or oftner,

any ſurplus to be paid to truſtees,

and laid out on the road.

ſuch

ſuch perſon or perſons as the ſaid truſtees, or any five or more of them, (as they are qualified to act) ſhall by any writing or writings under their hands and ſeals authorize and impower to receive the ſame; which ſhall be diſburſed and laid out in amending the ſaid highway or road according to the true intent and meaning of this act, and not otherwiſe; and the ſaid truſtees, or any five or more of them, to whom ſuch account ſhall be given, ſhall and may out of the money ariſing by the ſaid toll or duty make ſuch allowance to the ſaid receiver or receivers, collector or collectors, and the ſurveyor or ſurveyors, for and in conſideration of his and their care and pains reſpectively taken in the execution of his and their office and offices, and to ſuch other perſon or perſons who have been or ſhall be aſſiſting in and about procuring the ſaid highways and roads to be amended and repaired by advancing or laying out any moneys, or otherwiſe relating thereto, as to them ſhall ſeem good; ſo as ſuch allowance or allowances to ſuch collector or collectors do not annually exceed in the whole the ſum of thirty pounds; and to ſuch ſurveyor or ſurveyors the ſum of three ſhillings *per diem*, during ſuch time or times as he or they ſhall be reſpectively employed in the repair of the ſaid roads; and ſo as ſuch allowance or allowances to any other perſon or perſons who ſhall be employed by virtue of this act do not exceed the ſum of fifteen pounds yearly to each perſon; and in caſe the receiver or receivers, collector or collectors, of the aforeſaid toll and duty, or any of them, ſhall not make ſuch account and payment unto ſuch perſon or perſons according to the orders and directions of the ſaid truſtees, or any five or more of them as aforeſaid, that then the ſaid juſtices of the peace at any ſpecial ſeſſions or meeting of them to be holden for the county, in which the ſaid receiver or receivers, collector or collectors, have acted or been employed, and made ſuch default as aforeſaid, ſhall make inquiry of and concerning ſuch default as well by confeſſion of the ſaid parties themſelves, as by the teſtimony of one or more credible witneſs or witneſſes upon oath, which oath they are hereby impowered and required to adminiſter without fee or reward; and if any perſon or perſons ſhall be convicted thereof by ſuch juſtices, the ſaid juſtices ſhall upon ſuch conviction commit the party or parties to the common goal of the county, where ſuch offence ſhall be committed, there to remain without bail or mainprize until he or they ſhall have made a true and perfect account and payment as aforeſaid.

Allowance to receivers not above 30l. yearly in the whole,

to ſurveyors, 3 s. *per diem* while employed,

to others employed, not above 15 l. each yearly.

On default of account and payment juſtices at any ſpecial ſeſſions ſhall inquire, and commit offenders.

VI. And

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VI. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid ſurveyor or ſurveyors, and ſuch perſon or perſons as he or they ſhall appoint, to dig, raiſe, gather, take, and carry away any gravel, furze, ſand, ſtones, or other materials out of any waſte or common of any pariſh, town, village, or hamlet, in or near which any founderous or ruinous places of the ſaid highways or roads do lye; and for want of ſufficient gravel, furze, ſand, ſtones, or other materials there to dig, raiſe, gather, take, and carry away the ſame out of the waſte or common of any neighbouring pariſh, town, village, or hamlet, without paying any thing for the ſame; and, where there is not ſufficient of ſuch materials in any commons or waſte grounds near adjoyning, it ſhall and may be lawful for them by order of the ſaid truſtees, or any five or more of them, to dig, raiſe, and gather the ſame, in the ſeveral grounds of any perſon or perſons, not being a garden, orchard, yard, or meadow, planted walk or walks, or avenue to a houſe, where any ſuch materials are or may be found, and from time to time to carry away ſuch and ſo much thereof as the ſaid ſurveyor or ſurveyors in their reſpective places ſhall adjudge neceſſary for the repairing and amending the ſaid highways or roads; paying ſuch rate for ſuch materials and for the damage to the owner or occupier of the ground from whence the ſame ſhall be digged, raiſed, gathered, and carried away, as the truſtees appointed or to be appointed to put this act in execution, or any five or more of them ſhall judge reaſonable; and in caſe of any difference between ſuch owner or occupier and the ſaid truſtees touching the value of the materials or damage aforeſaid the judges of aſſize, or the juſtices of the peace, at the next general aſſizes and general goal delivery, or quarter-ſeſſions, to be holden in the county where ſuch materials ſhall be digged, raiſed, or gathered, and from whence the ſame ſhall be carried away, may and ſhall adjudge, aſſeſs, and finally determine the ſame.

Surveyors, &c. may dig for materials in any neighbouring waſte or common without paying,

and if not ſufficient, in any perſon's grounds by order of 5 truſtees not being garden, 11 G. 2. 17. may dig in potatoe garden.

paying, as 5 truſtees judge reaſonable,

Differences determined at aſſizes or ſeſſions.

VII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid ſurveyor or ſurveyors, and ſuch perſon and perſons as he or they ſhall appoint, from time to time to remove and prevent annoyances on any part of the ſaid highways or roads hereby intended to be repaired, by removing any filth, dung, aſhes, rubbiſh, water-courſes, ſinks, or drains, running into the ſaid highways or roads, and by cleanſing any ditch or water-courſes adjoyning to the ſaid roads, or by cutting down, lopping or topping any trees or buſhes growing on the ſaid highways, or in the hedges or banks adjacent to the ſaid highways, and to take and carry away the ſame (the owners or occupiers neglecting to cut down

Surveyors, &c. may remove annoyances, cleanſe ditches adjoining, lop, or cut and carry away trees, on neglect of owners 10 days after notice in writing by 5 truſtees:

ſuch

such trees or bushes, or to remove such other annoyances, for the space of ten days after notice in writing given for that purpose under the hands of five of the said trustees) the charges whereof shall be reimbursed the said surveyor or surveyors by such owners or occupiers neglecting to cut down the said trees or bushes, or remove such other annoyances aforesaid; and if after removal of any such annoyances any person or persons shall again offend in the like kind, every such person or persons so offending, and being thereof convicted upon oath before one or more justice or justices of the peace for the said county where such offence shall be committed, shall for every such offence forfeit and pay unto the said trustees the sum of ten shillings, to be levied in manner aforesaid.

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Charges reimbursed by owner.

Offenders after removal, shall pay on conviction 10 s. to trustees.

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said surveyor or surveyors by order of the said trustees, or any five or more of them, to make or cause to be made causeways, and to cut and make drains, through any ground lying contiguous to the said roads, and to erect arches of brick, timber, or stone thereupon; and also to widen any of the narrow parts of the said highways or roads, by opening, clearing, and laying into the said highways or roads any grounds of any person or persons lying contiguous to such highways or roads, not being a house, garden, orchard, planted-walk, or avenue to a house; and also to cause ditches or trenches to be made in such places and in such manner, as such surveyor or surveyors by order of the said trustees, or any five or more of them, shall adjudge necessary for the better amending and keeping the said highways or roads in good repair; making such reasonable satisfaction to the owner or occupier of such ground, which shall be laid in or unto the said highways or roads, or through which any such drain or drains shall be cut, or on which any such arch or arches shall be made, for the damages which he or they shall or may thereby sustain, as shall be assessed and adjudged by the next going judge or judges of assize, or by the justices of the peace, or by the major part of them, at the next general assises or quarter-sessions to be holden for the county in which such ground shall be laid into the said highways or roads, or through which any such drains, ditch or ditches, shall be cut or made, or on which such arch or arches shall be erected or made, or such causeways made, in case of any difference concerning the same; and if any owner or occupier of any water-course, ditch or ditches, adjoyning to the said highways or roads, shall neglect or refuse to scour and cleanse such water-courses, and to make such ditches so deep, and in such manner, as the surveyor or surveyors shall adjudge

Surveyors by order of 5 trustees may make causeways, and cut drains, and erect arches in grounds contiguous,

and widen the roads by taking in ground not a garden, &c. 9 G. 2. 24. and make trenches;

reasonable satisfaction to owner,

assessed at assizes or sessions on any difference.

Surveyors may cleanse ditches, &c. on owners neglect 10 days after notice. 23 G. 2. 16.

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judge proper and convenient, after ten days notice ſhall be given for that purpoſe by ſuch ſurveyor or ſurveyors to be appointed, or ſuch perſon or perſons as ſhall be appointed by him or them, to ſuch owner or owners, it ſhall and may be lawful to and for the ſurveyor or ſurveyors to ſet any man or men to work to ſcour or cleanſe and make the ſame, and by warrant from any five or more of the ſaid truſtees to levy the charges thereof upon the perſons goods or eſtates of the owner or owners, occupier or occupiers, of ſuch water-courſe, ditch or ditches, by diſtreſs and ſale of his, her, or their goods and chattles, rendring the overplus (if any be) to the ſaid owner or occupier after all charges paid.

and by warrant of truſtees levy the charge.

IX. And foraſmuch as the money, ſo to be collected by ſuch receipt of the toll, will not at preſent be ſufficient for the ſpeedy repairing of the ſaid highways or roads: be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any fifteen or more of them, ſhall and may and are hereby impowered from time to time by writing under their reſpective hands and ſeals to aſſign over the ſaid toll or duty hereby granted, or any part thereof (the coſts and charges whereof to be born and paid out of ſuch toll or duty) for any term or time during the continuance of this act, as a ſecurity for any ſum or ſums of money by them to be borrowed for that purpoſe, to ſuch perſon or perſons, or their truſtees, who ſhall advance and lend the ſame, to ſecure the re-payment thereof with lawful intereſt, or leſs, if the ſame can be ſo had; which ſaid money borrowed ſhall be applied and diſpoſed of, as the ſaid toll or duty ſhould have been applied or diſpoſed of by this act, and to no other uſe, intent, or purpoſe whatſoever.

15 truſtees may aſſign the toll as ſecurity for money borrowed for ſpeedy repair of the road.

X. Provided always, That in caſe there ſhall be more than one gate or turnpike in, acroſs, or on the ſide of the ſaid highways or roads between the town of Kilcullen and the city of Kilkenny, no perſon or perſons having paid the toll or duty at the firſt gate or turnpike, through which ſuch perſon or perſons ſhall paſs, and producing a note or ticket that the ſaid toll or duty was paid (which note or ticket the receiver or receivers, collector or collectors, is and are hereby required to give *gratis*) ſhall be liable to pay any toll or duty at any other of the ſaid gates or turnpikes upon or on the ſide of the ſaid high-way or road, ſuch perſon or perſons delivering the ſaid note or ticket to the ſaid receiver or receivers, collector or collectors, of the ſaid toll or duty at the latter gate or turnpike the ſame day; and no perſon or perſons, having occaſion to paſs the place or places where the toll or duty is taken, and who ſhall return the ſame day upon or with the ſame horſe, mare, gelding,

Perſons delivering ticket of payment at one gate, not liable to pay at another,

nor returning ſame day with ſame horſe or carriage.

aſs,

aſs, or mule, cattle, coach, chariot, berlin, chaiſe, chair, calaſh, waggon, cart, car, or other carriage, ſhall be lyable or compellable the ſame day to pay the ſaid toll or duty more than once on the ſaid road.

Giver and receiver of a ticket to avoid payment of toll, forfeit 10 s. reſpectively.

XI. And for preventing frauds and abuſes in the ſaid toll or duty; be it further enacted by the authority aforeſaid, That if any perſon or perſons, having paid the toll or duty by this act granted and made payable, and having ſuch note or ticket, notes or tickets, as hereby directed, ſhall give and diſpoſe of the ſame to any other perſon or perſons in order to avoid the payment of the ſaid toll or duty, every ſuch perſon giving, diſpoſing, or offering, and the perſon receiving, ſuch note or ticket, notes or tickets, and being thereof convicted upon oath before the ſaid truſtees, or any five or more of them, or before any one or more juſtice or juſtices of the peace for the county wherein ſuch offence or offences ſhall be committed, ſhall reſpectively forfeit and pay the ſum of ten ſhillings; to be levied, recovered, and diſpoſed of, as any other penalty or forfeiture is directed to be levied, recovered, and diſpoſed of by this act.

Toll-free on days of election for Kildare, Catherlough, Kilkenny, &c.

XII. Provided always, and it is hereby declared, That during the continuance of this act all coaches and paſſengers on horſeback ſhall paſs and repaſs toll-free on the day or days, on which there ſhall be an election for knight or knights of the ſhire to ſerve in Parliament for the ſaid counties of Kildare, Catherlough, and county of Kilkenny, or citizens for the ſaid city of Kilkenny, or for any burgeſs to ſerve in Parliament for any borough in the ſaid counties reſpectively; any thing herein contained to the contrary notwithſtanding.

5 truſtees may compound for a ſum to be paid quarterly. 23 G. 2. 16.

XIII. And be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any five or more of them, may and are hereby impowered from time to time, as they ſhall ſee convenient or think fit, to compound or agree by the year or otherwiſe with any perſon or perſons uſing to travel through any of the turnpike or turnpikes to be erected with any milch cows, horſe, mare or gelding, aſs or mule, or with any coach, berlin, calaſh, chaiſe, chair, waggon, cart, carr, or other carriage, for any ſum or ſums of money, to be paid quarterly from time to time after ſuch agreement ſhall be made.

Exempt from toll. Perſons carrying materials for repairing ſaid roads, or thoſe of neighbouring pariſhes,

XIV. Provided alſo, and it is hereby declared, That no perſon ſhall be charged with any of the tolls or duties aforeſaid, who ſhall paſs through any of the turnpikes to be erected by this act, who ſhall carry any quantity of ſtones, gravel, or other materials for repairing of the ſaid roads, or any of the roads in the pariſhes in which the ſame do lye, or in any of the neigh-

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bouring pariſhes; nor ſhall any perſon or perſons be chargeable with the ſaid toll or duty for any carts, carrs, or waggons, loaded with corn in the ſtraw or turf only; nor for any ploughs, harrows, or other implements of huſbandry, in order to the uſing or repairing of the ſame in the ſeveral pariſhes in which the ſaid highways or roads hereby intended to be repaired do lye; nor ſhall any toll or duty be demanded or taken at any of the turnpikes to be erected for any horſe, mare, gelding, aſs, or mule, or other cattle going to water, or for any poſt-horſe carrying the mail or packet, or for ſuch horſe as is or ſhall be uſed only to ride on by the owner or the driver of any waggon, cart, or carriage; provided ſuch horſe paſs through the ſaid turnpike or turnpikes with ſuch waggon, cart, or carriage; nor ſhall any toll or duty be demanded or taken for the horſes of ſoldiers paſſing, that are upon their march, or for waggons, carts, carrs, or other carriages attending them; or for horſes, waggons, carts, carrs, or other carriages travelling with vagrants ſent by paſſes, or with priſoners tranſmitted from one part of the kingdom to another.

or corn in ſtraw, or turf, implements of huſbandry to be uſed in pariſhes where ſaid roads lye, cattle going to water; Poſt-horſe with the mail, waggoner's horſe, ſoldiers on march, vagrants paſſed, or priſoners tranſmitted.

XV. And be it further enacted by the authority aforeſaid, That the toll or duty hereby granted ſhall take place and have continuance from and after the firſt day of May in the year of our Lord one thouſand ſeven hundred and thirty two for and during the term of twenty one years.

Continuance 21 years from 1 May 1732. 9 G. 2. 24. *continued* 24 *years, &c. except as thereby altered.*

XVI. Provided nevertheleſs, That if at any time before the expiration of the ſaid term of twenty one years all parts of the ſaid road ſhall be ſufficiently amended and repaired, and ſo adjudged by the majority of the ſaid truſtees, appointed or hereafter to be choſen by virtue of this act, by an adjudication under their hands and ſeals, that then from and after ſuch adjudication made, and repayment of ſuch money as ſhall have been advanced or borrowed, with intereſt for the ſame, and the coſts and charges thereof, the tolls and duties ſhall ceaſe and determine; any thing herein contained to the contrary notwithſtanding.

unleſs the road adjudged before by majority of truſtees under hand and ſeal ſufficiently amended, and money advanced repaid.

XVII. And be it further enacted by the authority aforeſaid, That for the continuing of a ſufficient number of fit and able perſons to be truſtees for putting in execution all and every the powers in this act contained for and during the continuance thereof it ſhall and may be lawful to and for the ſaid truſtees, or any five or more of them, upon the death of any of the ſaid truſtees, or their removal, or refuſing to act in the ſaid truſt, by any writing or writings under their hands and ſeals from time to time and at all times hereafter during the term aforeſaid to elect, nominate, and appoint, in the room of ſuch truſtee or truſtees ſo deceaſed, removed, or refuſing to act, ſo many more fit and able perſons living in the counties of Kildare, Catherlough,

5 truſtees, on death, removal, or refuſing to act, may elect others living in ſaid counties.

lough, or Kilkenny, to be joined with the ſaid truſtees in the execution of all and every the power and powers in them repoſed by virtue of this act; and all and every perſon or perſons ſo to be choſen truſtee or truſtees to join in putting this act in execution, as they are herein before qualified to do, ſhall and may and are hereby impowered to act to all intents and purpoſes in as full, large, and ample manner, as the ſaid truſtees are by this act impowered to do, and ſo *toties quoties* as often as occaſion ſhall be or require. A. D. 1731. Chap. 18.

XVIII. And be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any twenty one or more of them, ſhall meet at Timolin in the county of Kildare the ſecond Thurſday in the month of April in the year of our Lord God one thouſand ſeven hundred and thirty two, and the ſaid truſtees ſhall then adjourn themſelves, and afterwards meet there, or at any other place or places near the ſaid highways or roads to be repaired, as the ſaid truſtees, or any five or more of them, ſhall think proper or convenient, as often as it ſhall be neceſſary for putting this act in execution; and if it ſhall happen, that there ſhall not appear at any meeting, which ſhall be appointed to be had or held by the ſaid truſtees, a ſufficient number of truſtees to act at ſuch meeting, and to adjourn to any other day, then and in ſuch caſe the clerk to the ſaid truſtees by notice in writing, to be affixed at their reſpective gates or turnpikes at leaſt eight days before the next meeting, ſhall appoint the ſaid truſtees to meet at the houſe, where the meeting of the ſaid truſtees was laſt appointed to be held, or at ſome other convenient houſe near the ſaid roads, on the day fortnight next after the day upon which ſuch laſt meeting of the ſaid truſtees was appointed to have been held; and that the ſaid truſtees at their firſt meeting and at all other ſubſequent meetings ſhall defray their own charges and expences.

21 truſtees ſhall meet at Timolin ſecond Thurſday in April,

adjourn and meet near ſaid road as often as neceſſary.

if not a ſufficient number, the clerk fixing notice 8 days before at turnpikes ſhall appoint meeting a fortnight after.

Truſtees to defray their expences at meeting.

XIX. Provided always, and be it further enacted by the authority aforeſaid, That no perſon or perſons appointed or to be appointed by this act a truſtee or truſtees for putting this act in execution ſhall have or accept of any place of profit ariſing out of or by reaſon of the toll or duty by this act laid or granted; but ſuch perſon and perſons ſhall be incapable from the time of accepting or continuing to enjoy ſuch place of profit of acting as a truſtee.

None having place of profit out of the toll ſhall be truſtee.

XX. And be it further enacted by the authority aforeſaid, That if any ſuit ſhall be commenced againſt any perſon or perſons for any thing done in purſuance of this act, that in every ſuch caſe the action ſhall be laid in the ſaid counties of Kildare, Catherlough, city or county of Kilkenny, and not elſewhere; and

Actions ſhall be laid in ſaid counties.

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Defendants may plead general iſſue, &c.

the defendant or defendants in ſuch action or actions to be brought may plead the general iſſue, and give this act and the ſpecial matter in evidence at any tryal to be had thereupon, and that the ſame was done in purſuance and by the authority of this act; and if it ſhall appear ſo to be done, or that ſuch action or actions ſhall be brought in any other county, that then the jury ſhall find for the defendant or defendants; and upon ſuch verdict, or if the plaintiff ſhall be nonſuited, or diſcontinue his action, after the defendant or defendants ſhall have appeared, or if on demurrer judgment ſhall be given againſt the plaintiff, the defendant or defendants ſhall and may recover treble coſts, and have the like remedy for the ſame, as any defendant or defendants hath or have in any other caſes by law.

and have treble coſts.

To be a publick act.

XXI. And be it further enacted by the authority aforeſaid, That this act ſhall be deemed, adjudged, and taken to be a publick act, and be judicially taken notice of as ſuch by all judges, juſtices, and other perſons whatſoever without ſpecially pleading the ſame.

CHAP. XIX.

An Act for repairing the road leading from the city of Kilkenny to the town of Clonmell in the county of Tipperary.

9 G. 2. *explained and amended.*

25 G. 2. 21. *made more effectual.*

WHEREAS the highways or roads leading from the city of Kilkenny through the town of Callan and Coolaghmore in the county of Kilkenny, and from thence to Nine-Mile-Houſe, Kilcaſh Hill, and the town of Clonmell, in the county of Tipperary, by reaſon of ſeveral hollow ways, and of the many and heavy carriages frequently paſſing through the ſame, are become ſo ruinous and bad, that in winter ſeaſon many parts thereof are impaſſable for waggons, carts, cars, and carriages, and very dangerous for travellers, and cannot by the ordinary courſe appointed by the laws and ſtatutes of this realm be effectually mended and kept in good repair: wherefore, and to the intent that the ſaid highways or roads may with convenient ſpeed be effectually mended, and hereafter kept in good and ſufficient repair, ſo that all perſons may travel through the ſame with ſafety; be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That for the better ſurveying, ordering, amending, and keeping in repair the ſaid highway or road, it ſhall be in the power of his grace the lord archbiſhop of Caſhel, the right honourable Bra-

The road not to be repaired by the ordinary courſe,

Truſtees for repair thereof.

bazon

baron lord viſcount Duncannon, the right honourable James Tynte eſquire, the right reverend the lord biſhop of Oſſory, Sir Robert Maud and Sir John Osborne baronets, the honourable Richard Allen eſquire, Sir Thomas Prendergaſt baronet, the honourable Henry Ponſonby, and the honourable Richard Butler eſquires; Robert Jocelyn eſquire, his Majeſty's attorney-general, Patrick Weymes, William Gore, John Blunden, James Agar, Richard Dawſon, Warden Flood, Henry Weymes, Edward Worth, William Wall, Edward Deane, Luke Gardiner, Nicholas Aylward, Henry Agar, David Chaigneau, William Flower, Ephraim Dawſon, Thomas Medlicott, John Cuffe, James Bryan, Richard St. George, Francis Morris, Tobias Caulfield, Edward Warren, James Myhill, Abraham Ruth, Charles Gore, George St. George, Stephen Lapp, Harvey Morris, Thomas Green, John Ball, Patrick Walſh, Ambroſe Congrave, John Baily, John Gore, Henry Baker, Richard Read, William Evans Morrice, James Stopford, William Billingſly, Henry Weymes ſenior, William Myhill, Morris Cuffe, Samuel Mathews, Charles Sandford, Thomas Sandford, Arundel Bert, Francis Duggan, Robert Way, Roger Dyos, Robert Whitby, Alexander Boyd, Raphael Caulfield, Abel Warren, Kingſmil Pennefather, John Lane, Richard Lockwood, Walter Butler, Richard Buckworth, Francis North, Mathew Jacob junior, John Cleare, Samuel Jacob, George Mathew, Richard Clutterbuck, William Jolly, Thomas Glutterbuck, John Dawſon, John Jacob, Thomas Hacket, Henry Langley, Robert Low, Daniel Gahan, George Burdet, John Minchin, Robert Marſhall, Robert Hamerton, John Power, Thomas Chriſtmas, Thomas Newcomen, Ponſonby Newcomen, John Maſon, Mathew Bunbury, Joſeph Damer, William Maynard, Richard Pennefather, John Rowe, Stephen Moore, William Wall, Godfrey Green, Richard Carlton, Guy Moore, John Slattery, George Slaughter, Kilner Brazier, and Richard Keating eſquires, the reverend dean Moſſom, the reverend Michael Cox, the reverend Robert Watts, the reverend Henry Chandler, and the reverend Henry Morris clerks, colonel Luke Keating, and colonel John Butler, Charles Dunroch ſenior, Richard Elliott, Daniel Sullivan, Arthur Helſham, Algernoon Warren, Henry Baker, Edward Evans, Thomas Butler, Robert Myhill, Robert Ryves, Edward Cook, John Minchin, Hugh Warren, William Warren, Robert Langriſh, Samuel Phillips, Roger Anderſon, Robert Walſh, Lionel Izod, John Barton junior, John Baker, William Fitz-Gerald, John Flood, Henry Evans, Thomas Warren, William Phillips, Hugh Delacy, Charles Dunroch junior, Burrell Rutlidge, Michael Wall, Robert Sherrington, Joſhua Parſley, Richard Phillips, Joſeph Evans, Thomas Cantwell, George Cole, John Vize, Richard Wheeler, James Steward, Thomas Pendergaſt,

23 G. 2. 16. may ſue, &c. as if incorporated, and muſt have 50 l. per ann. freehold, or 1000 l.

25 G. 2. 21. muſt have 1500 l. and to ſwear to the value.

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Pendergaſt, Joſeph Vize, Edward Hill, Richard Shaw, William Beer, William Izod, Philip Neat, Richard Baker, Hamilton Lowe, James Lowe, David Jeſſy, Thomas Read, John Ladyman, William Nicholſon, Peter Nicholſon, William Jeſſey, Philip Hacket, John Wright, Henry Blackmore, Robert Cook, Peter Cook, John Clear, Benjamin Langley, Thomas Lane, George Trayner, Richard Lockwood, Loveleſs Taylor, James Rowe, John Mandevill, Robert Shaw, William Connor, Redmond Hacket, John Allen, Edmond Hacket, Samuel Allen, Valentine Lanegan, Richard Flood, Luke Bray, Richard Vicars, and Robert Flood gentlemen, who are hereby nominated and appointed truſtees of the ſaid roads, and the ſurvivors of them, that they, or any five or more of them, or ſuch perſon or perſons as they, or any five or more of them, ſhall authorize and appoint, ſhall and may erect, or cauſe to be erected, one or more gate or gates, turnpike or turnpikes, in, or upon, or acroſs any part or parts of the ſaid highways or roads; and alſo a toll-houſe or toll-houſes, and there ſhall receive and take the tolls and duties following before any horſe, mare, gelding, aſs, or mule, cattle, coach, Berlin, chariot, calaſh, chaiſe, chair, waggon, wain, cart, car, or other carriage, ſhall be permitted to paſs through the ſame, *viz.* for every coach, Berlin, chariot, calaſh, chaiſe, or chair drawn by ſix horſes or more the ſum of one ſhilling; and for every coach, Berlin, chariot, calaſh, chaiſe, or chair drawn by any leſs number of horſes than ſix, and more than one, ſix pence; for every waggon, wain, cart, or carriage with four wheels the ſum of eight pence; for every wain, cart, or carriage with two wheels, having more than one horſe, mare, or gelding, the ſum of four pence; for every carriage commonly called a chair or chaiſe with one horſe, mare, or gelding, the ſum of three pence; for every car or other carriage having but one horſe, mare, or gelding, the ſum of one penny; for every horſe, mare, gelding, mule, or aſs, laden or unladen, and not drawing, one half-penny; for every drove of oxen or neat cattle the ſum of ten pence *per* ſcore, and ſo in proportion for any greater or leſſer number; for every drove of calves, hogs, ſheep, or lambs, the ſum of five pence *per* ſcore, and ſo in proportion for any greater or leſſer number; which ſaid reſpective ſum and ſums of money ſhall be demanded and taken in the name of or as a toll or duty; and the money ſo to be raiſed as aforeſaid is and ſhall hereby be veſted in the ſaid truſtees, and the ſame and every part thereof ſhall be paid, applied, diſpoſed of, and aſſigned to and for the ſeveral uſes, intents, and purpoſes, and in ſuch manner, as is herein after mentioned and directed; and the ſaid truſtees, or any five or more of them, are hereby impowered by them-

Any 5 may erect gates, turnpikes, and toll-houſes,

and take toll before any horſe or carriage paſs through:

The toll.

The money raiſed veſted in truſtees;

themſelves, or any perſon or perſons by them, or any five or more of them, under their hands and ſeals thereunto authorized, to levy the toll or duty hereby required to be paid upon any perſon or perſons, who ſhall after demand made thereof neglect or refuſe to pay the ſame, by diſtreſs of any horſe or horſes, or other cattle or goods, upon which ſuch toll or duty is by this act impoſed, or upon any other of the goods and chattles of ſuch perſon or perſons who ought to pay the ſame, and may detain and keep the ſame until ſuch toll or duty with the reaſonable charges of ſuch diſtraining or keeping ſhall be paid; and it ſhall and may be lawful to and for ſuch perſon or perſons ſo diſtraining after the ſpace of five days after ſuch diſtreſs made and taken to ſell the goods ſo diſtrained, returning the overplus (if any be) upon demand to the owner thereof, after ſuch toll, duty, and reaſonable charges for diſtraining and keeping the ſame ſhall be deducted and paid.

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any five, &c. may on non-payment levy by diſtreſs,

and ſell after 5 days.

II. And be it further enacted by the authority aforeſaid, That out of the firſt money ariſing from the profits of the ſeveral turnpikes ſo to be erected the ſaid truſtees, or any five or more of them, ſhall firſt pay and diſcharge the expence of procuring this act of Parliament, and of erecting ſuch turnpike or turnpikes, or building ſuch toll-houſe or toll-houſes; and from and after ſuch charges and expences ſhall be fully ſatisfied and paid, that then and from thenceforth the profits ariſing, and the toll to be collected, at any turnpike or turnpikes to be erected and ſet up upon the ſaid road leading from the city of Kilkenny to the town of Clonmell in the county of Tipperary, ſhall be applied for and towards the repair of the ſaid road only, and not elſewhere.

Profits of the toll, after charges paid, applied to repair ſaid road.

III. And be it further enacted by the authority aforeſaid, That if any perſon or perſons whatſoever, owning, renting, or occupying any land near unto any turnpike to be erected in purſuance of this act, ſhall for gain, reward, or otherwiſe, willingly permit any perſon or perſons whatſoever to paſs through any gate, paſſage, or way, with any coach, Berlin, chariot, calaſh, chaiſe, or chair, waggon, wain, cart, car, or other carriage, or riding, or driving any horſe, aſs, mule, or any ſort of cattle, to avoid the payment of the toll hereby appointed to be paid, and be thereof convicted upon oath before the ſaid truſtees, or any five or more of them, or before one or more juſtice or juſtices of the peace for the county wherein ſuch offence or offences ſhall be committed, who are hereby impowered and required to adminiſter ſuch oath, every perſon ſo offending ſhall forfeit and pay to the truſtees authorized to put this act in execution the ſum of ten ſhillings, to be levied by diſtreſs and ſale of the offenders goods

Owners of land near a turnpike permitting paſſage, to avoid toll,

penalty 10s. to truſtees.

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goods by warrant under the hand and ſeal or under the hands and ſeals of the ſaid truſtees, or any five or more of them, or ſuch juſtice or juſtices, rendering the overplus to the owner (if any be) the charges in taking and diſpoſing of the ſaid goods being firſt deducted.

Gates, &c. may be erected on the ſide, croſs any way leading out of ſaid road,

IV. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid truſtees, or any five or more of them, to erect one or more gate or gates, turnpike or turnpikes, on the ſide of the ſaid highways or roads acroſs any lane or way leading out of the ſaid road, and to build one or more toll-houſe or toll-houſes, and there to receive and take ſuch toll as is appointed by this act to be taken, ſo as the ſame do not extend to a double charge in caſe of paſſing through any other of the turnpikes, to be erected by virtue of this act between the ſaid city of Kilkenny and town of Clonmell aforeſaid.

and toll taken, ſo as no double charge.

5 truſtees at meeting may appoint receivers and ſurveyors,

V. And be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any five or more of them, at their firſt meeting or any ſucceeding meeting by writing under their hands and ſeals ſhall and may elect, nominate, and appoint, one or more fit perſon or perſons to be receiver or receivers, collector or collectors, of ſuch money, in the name of ſuch toll or duty as ſhall be due and payable by virtue of this act; and alſo one or more fit perſon or perſons to be ſurveyor or ſurveyors to ſee the condition of the ſaid highway or road, and to ſee that the ſame be repaired and amended, and that the money arifing and expended by virtue of this act be duly applied, and from time to time to remove ſuch collectors, receivers, and ſurveyors, or any or either of them, as they ſhall ſee occaſion, and appoint new ones in caſe of death or of ſuch removal; and ſuch perſon or perſons, as is or are by this act liable to pay the ſaid toll or duty, is and are hereby required to pay the ſame after the rates aforeſaid to the ſaid receiver or receivers, collector or collectors, of the ſaid toll or duty in that behalf from time to time appointed as aforeſaid; and the perſon or perſons ſo appointed as aforeſaid for receiving the ſaid toll or duty, and all ſuch ſurveyor or ſurveyors as aforeſaid, ſhall upon oath, (if thereto required) by the truſtees, or any five or more of them, or before one or more juſtice or juſtices of the peace reſiding near the highway or road aforeſaid (which oath the ſaid truſtees, or any five or more of them, or ſuch juſtice or juſtices is and are hereby impowered and required to adminiſter) on the firſt Tueſday in every month, or oftner if required, during the continuance of this act, give in a true, exact, and perfect account in writing under their reſpective hands of all money, which he

remove and appoint others.

Receivers and ſurveyors ſhall account in writing, on oath, if required, firſt Tueſday monthly, or oftner.

and

and they, and every or any of them, ſhall to ſuch time have received, paid, and diſburſed by virtue of this act by reaſon of their reſpective offices, for which oath no fee or reward ſhall be taken; and in caſe any money ſo received ſhall remain in their or any of their hands, the ſame ſhall be paid to the ſaid truſtees, or any five or more of them, or to ſuch perſon or perſons as the ſaid truſtees, or any five or more of them (as they are qualified to act) ſhall by any writing or writings under their hands and ſeals authorize and impower to receive the ſame; which ſhall be diſburſed and laid out in amending the ſaid highways or roads according to the true intent and meaning of this act, and not otherwiſe; and the ſaid truſtees, or any five or more of them, to whom ſuch account ſhall be given, ſhall and may out of the money ariſing by the ſaid toll or duty make ſuch allowance unto the ſaid receiver or receivers, collector or collectors, and the ſurveyor or ſurveyors, for and in conſideration of his and their care and pains reſpectively taken in the execution of his and their office and offices, and to ſuch other perſon or perſons, who have been or ſhall be aſſiſting in and about procuring the ſaid highways and roads to be amended and repaired by advancing or laying out any moneys, or otherwiſe relating thereunto, as to them ſhall ſeem good, ſo as ſuch allowance or allowances to ſuch collector or collectors do not annually exceed in the whole the ſum of thirty pounds, and to ſuch ſurveyor or ſurveyors the ſum of three ſhillings *per diem*, during ſuch time or times as he or they ſhall be reſpectively employed in the repair of the ſaid road; and ſo as ſuch allowance or allowances to any other perſon or perſons, who ſhall be employed by virtue of this act, do not exceed the ſum of fifteen pounds yearly to each perſon: and in caſe the ſaid receiver or receivers, collector or collectors, of the aforeſaid toll or duty, or any of them, ſhall not make ſuch account and payment unto ſuch perſon or perſons according to the orders and directions of the ſaid truſtees, or any five or more of them, as aforeſaid; that then the ſaid juſtices of the peace at any ſpecial ſeſſions or meeting of them to be holden for the county, in which the ſaid receiver or receivers, collector or collectors, have acted or been employed, and made ſuch default as aforeſaid, ſhall and are hereby required and impowered to make inquiry and finally to determine of and concerning ſuch default as well by confeſſion or examination upon oath of the ſaid parties themſelves, as by the teſtimony of one or more credible witneſs or witneſſes upon oath; which oath they are hereby impowered and required to adminiſter without fee or reward; and if any perſon or perſons ſhall be convicted thereof by ſuch juſtices, the ſaid juſtices ſhall upon ſuch

and pay ſurplus, as by 5 truſtees directed under hand and ſeal,

to be laid out on the road.

Allowance to receivers, not above 30 l. yearly in the whole,

to ſurveyors 3 s. *per diem*, while employed,

to others not above 15 l. each, yearly.

On default of account and payment, juſtices at ſpecial ſeſſions ſhall inquire, and commit offenders.

such conviction commit the party or parties to the common goal of the county, where such offence shall be committed, there to remain without bail or mainprize until he or they shall have made a true and perfect account and payment as aforesaid.

Surveyors, &c. may dig materials in neighbouring waste or common, without paying,

VI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said surveyor or surveyors, and such person or persons as he or they shall appoint, to dig, raise, gather, take, and carry away, any gravel, furze, sand, stones, or other materials, out of any waste or common of any parish, town, village, or hamlet, in or near which any founderous or ruinous places of the said highways or roads do lye; and for want of sufficient gravel, furze, sand, stones, or other materials there to dig, raise, gather, take, and carry away the same out of the waste or common of any neighbouring parish, town, village, or hamlet, without paying any thing for the same; and where there is not sufficient of such materials in any commons or waste grounds near adjoyning, it shall and may be lawful for them by order of the said trustees, or any five or more of them, to dig, raise, and gather the same, in the several grounds of any person or persons, not being a garden, orchard, yard, or meadow, planted walk or walks, or avenue to a house, where any such materials are or may be found, and from time to time to carry away such and so much thereof, as the said surveyor or surveyors in their respective places shall adjudge necessary for the repairing and amending the said highways or roads; paying such rate for such materials and for the damage to the owner or occupier of the ground, from whence the same shall be digged, raised, gathered, and carried away, as the trustees appointed or to be appointed to put this act in execution shall adjudge reasonable; and in case of any difference between such owner or occupier and the said trustees touching the value of the materials and damage aforesaid, the judges of assize at the next general assizes and general goal-delivery to be holden in the county where such materials shall be digged, raised, or gathered, and from whence the same shall be carried away, may and shall adjudge, assess, and finally determine the same.

and if not sufficient, in any persons grounds by order of 5 trustees, not being garden, &c.

11 G. 2. 17. *may dig in potato gardens.*

making reasonable satisfaction.

Differences determined at next assizes.

Surveyors, &c. may remove annoyances, cleanse ditches adjoining, lop, or cut and carry away trees, on owner's neglect 10 days after notice in writing by 5 trustees.

VII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said surveyor or surveyors, and such person and persons as he or they shall appoint, from time to time to remove and prevent annoyances on any part of the said highways or roads hereby intended to be repaired, by removing any filth, dung, ashes, rubbish, water-courses, sinks, or drains running into the said highways or roads, and by cleansing any ditch or water-courses adjoyning to the said roads, or by cutting down, lopping, or topping any trees or bushes growing on the said

ſaid highways, or in the hedges or banks adjacent to the ſaid highways, and to take and carry away the ſame; (the owners or occupiers neglecting to cut down ſuch trees or buſhes, or to remove ſuch other annoyances for the ſpace of ten days after notice in writing given for that purpoſe under the hands of five of the ſaid truſtees) the charges whereof ſhall be reimburſed the ſaid ſurveyor or ſurveyors by ſuch owners or occupiers neglecting to cut down the ſaid trees or buſhes, or to remove ſuch other annoyances as aforeſaid; and if after removal of any ſuch annoyances any perſon or perſons ſhall again offend in the like kind, every ſuch perſon or perſons ſo offending, and being thereof convicted upon oath before one or more juſtice or juſtices of the peace for the ſaid county where ſuch offence ſhall be committed, ſhall for every ſuch offence forfeit and pay unto the ſaid truſtees the ſum of ten ſhillings, to be levied in manner aforeſaid.

the charge reimburſed by owner.

Offenders after removal, pay on conviction before a juſtice 10*s.* to truſtees.

VIII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid ſurveyor or ſurveyors by order of the ſaid truſtees, or any five or more of them, to make or cauſe to be made cauſeways, and to cut and make drains through any grounds lying contiguous to the ſaid roads, and to erect arches of brick, timber, or ſtone thereupon; and alſo to widen any of the narrow parts of the ſaid highways or roads by opening, clearing, and laying into the ſaid highways or roads any grounds of any perſon or perſons lying contiguous to ſuch highways or roads, not being a houſe, garden, orchard, planted walk, or avenue to a houſe; and alſo to cauſe ditches or trenches to be made in ſuch places and in ſuch manner, as ſuch ſurveyor or ſurveyors by order of the ſaid truſtees, or any five or more of them, ſhall adjudge neceſſary for the better amending and keeping the ſaid highways or roads in good repair; making ſuch reaſonable ſatisfaction to the owner or occupier of ſuch ground, which ſhall be ſo laid in or unto the ſaid highways or roads, or through which any ſuch drain or drains ſhall be cut, or on which any ſuch arch or arches ſhall be made, for the damages which he or they ſhall or may thereby ſuſtain, as ſhall be aſſeſſed and adjudged by the next going judge or judges of aſſize, or by the juſtices of the peace, or the major part of them, at the next general aſſizes or quarter-ſeſſions to be holden for the county, in which ſuch ground ſhall be laid into the ſaid highways or roads, and through which any ſuch drain or drains, ditch or ditches, ſhall be cut or made, or on which ſuch arch or arches ſhall be erected or made, or ſuch cauſeways made, in caſe of any difference concerning the ſame; and if any owner or occupier of any water-courſes, ditch or ditches adjoining to the ſaid highways or roads ſhall neglect or refuſe to ſcour or cleanſe ſuch water-

Surveyors by order of 5 truſtees may make cauſeways, drains, and arches in grounds contiguous,

and widen the roads, the ground not being garden, &c.

and make trenches:

reaſonable ſatisfaction, to owner,

aſſeſſed at aſſizes or ſeſſions on any difference.

A. D. 1731. Chap. 19.

courſes, and to make ſuch ditches ſo deep, and in ſuch manner, as the ſurveyor or ſurveyors ſhall adjudge proper and convenient, after ten days notice ſhall be given for that purpoſe by ſuch ſurveyor or ſurveyors to be appointed, or ſuch perſon or perſons as ſhall be appointed by him or them to ſuch owner or owners, it ſhall and may be lawful to and for the ſurveyor or ſurveyors to ſet any man or men to work to ſcour, or cleanſe, and make the ſame, and by warrant from any five or more of the ſaid truſtees to levy the charges thereof upon the perſons, goods, or eſtates of the owner or owners, occupier or occupiers of ſuch water-courſe, ditch or ditches, by diſtreſs and ſale of his, her, or their goods and chattles, rendring the overplus (if any be) to the ſaid owner or occupier, after all charges paid.

Surveyor may cleanſe water-courſes and deepen ditches, on owner's neglect 10 days,

23 G. 2. 16. and by warrant of 5 truſtees levy the charge.

IX. And foraſmuch as the money ſo to be collected by ſuch receipt of the ſaid toll will not at preſent be ſufficient for the ſpeedy repairing of the ſaid highways or roads: be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any fifteen or more of them, ſhall, and may, and are hereby impowered from time to time by writing under their reſpective hands and ſeals to aſſign over the ſaid toll or duty hereby granted, or any part thereof (the coſts and charges whereof to be born and paid out of ſuch toll or duty) for any term or time during the continuance of this act, as a ſecurity for any ſum or ſums of money by them to be borrowed for that purpoſe, to ſueh perſon or perſons or their truſtees, who ſhall advance and lend the ſame to ſecure the repayment thereof with lawful intereſt, or leſs, if the ſame can be ſo had; which ſaid money borrowed ſhall be applied and diſpoſed, of as the toll or duty is by this act to be applied and diſpoſed of, and to no other uſe, intent, or purpoſe whatſoever.

15 truſtees may aſſign the toll as ſecurity for money borrowed for ſpeedy repair,

X. Provided always, That in caſe there ſhall be more than one gate or turnpike in, acroſs, or on the ſide of the ſaid highways or roads between the ſaid city of Kilkenny and town of Clonmell, no perſon or perſons having paid the toll or duty at the firſt gate or turnpike, through which ſuch perſon or perſons ſhall paſs, and producing a note or ticket that the ſaid toll or duty was paid, which note or ticket the receiver or receivers, collector or collectors, is and are hereby required to give gratis, ſhall be liable to pay any toll or duty at any other of the ſaid gates or turnpikes upon or on the ſide of the ſaid highway or road, ſuch perſon or perſons delivering the ſaid note or ticket to the ſaid receiver or receivers, collector or collectors, of the ſaid toll or duty at the latter gate or turnpike the ſame day; and no perſon or perſons having occaſion to paſs the place or places where the toll or duty is taken, who ſhall return the ſame day upon or with

Perſons delivering ticket of payment at one gate, not liable to pay at another,

nor returning ſame day with ſame horſe or carriage.

with the ſame horſe, mare, gelding, aſs, mule, cattle, coach, chariot, berlin, chaiſe, chair, calaſh, waggon, cart, car, or other carriage, ſhall be liable or compellable the ſame day to pay the ſaid toll or duty more than once on the ſaid road. A. D. 1731. Chap. 19.

XI. And for preventing frauds and abuſes in the ſaid toll or duty; be it further enacted by the authority aforeſaid, That if any perſon or perſons having paid the toll or duty by this act granted and made payable, and having ſuch note or ticket, notes or tickets as hereby directed, ſhall give or diſpoſe of the ſame to any other perſon or perſons in order to avoid the payment of the ſaid toll or duty, every ſuch perſon giving, diſpoſing, or offering, and the perſon receiving, ſuch note or ticket, notes or tickets, and being thereof convicted upon oath before the ſaid truſtees, or any five or more of them, or before any one or more juſtice or juſtices of the peace for the county wherein ſuch offence or offences ſhall be committed (which oath the ſaid truſtees and the ſaid juſtice or juſtices are hereby impowered to adminiſter) ſhall reſpectively forfeit and pay the ſum of ten ſhillings; to be levied, recovered, and diſpoſed of as any other penalty or forfeiture is directed to be levied, recovered, and diſpoſed of by this act. Giver and reciver of a ticket to avoid payment of toll, forfeit 10 s. reſpectively.

XII. Provided always, and it is hereby declared, That during the continuance of this act all coaches and paſſengers on horſeback ſhall paſs and repaſs toll-free on the day or days, on which there ſhall be an election for knight or knights of the ſhire to ſerve in Parliament for the ſaid counties of Kilkenny and Tipperary, or citizens for the ſaid city of Kilkenny, or for any burgeſs to ſerve in Parliament for any borough in the ſaid counties reſpectively; any thing herein contained to the contrary notwithſtanding. Toll free on days of election for Kilkenny and Tipperary, &c.

XIII. And be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any five or more of them, may and are hereby impowered from time to time, as they ſhall ſee convenient or think fit, to compound or agree by the year or otherwiſe with any perſon or perſons uſing to travel through any of the turnpike or turnpikes to be erected with any milch cows, horſe, mare, or gelding, aſs, or mule, or with any coach, berlin, calaſh, chaiſe, chair, waggon, cart, car, or other carriage, for any ſum or ſums of money, to be paid quarterly from time to time after ſuch agreement ſhall be made. 5 truſtees may compound for a ſum to be paid quarterly. 23 *G.* 2. 16. 25 *G.* 2. 21.

XIV. Provided alſo, and it is hereby declared, That no perſon ſhall be charged with any of the tolls or duties aforeſaid, who ſhall paſs through any of the turnpikes to be erected by this act, who ſhall carry any quantities of ſtones, gravel, or other materials for repairing of the ſaid roads, or any of the roads in the exempt from toll, carrying materials for repair of the road, &c.

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the parishes in which the same do lie, or in any of the neighbouring parishes; nor shall any person or persons be chargeable with the said toll or duty for any carts, cars, or waggons loaded with corn in the straw only; nor for any ploughs, harrows, or other implements of husbandry, in order to the using or repairing of the same in the several parishes in which the said high ways or roads hereby intended to be repaired do lie; nor shall any toll or duty be demanded or taken at any of the turnpikes to be erected for any horse, mare, gelding, ass, or mule, or other cattle, going to water, or for any post-horse carrying the mail or packet, or for such horse as is or shall be used only to ride on by the owner or driver of any waggon, cart, or carriage, provided such horse pass through the said turnpike or turnpikes with such waggon, cart, or carriage; nor shall any toll or duty be demanded or taken for the horses of soldiers passing, that are upon their march, or for waggons, carts, cars, or other carriages attending them, or for horses, waggons, carts, cars, or other carriages travelling with vagrants sent by passes, or with prisoners transmitted from one part of the kingdom to another.

corn in straw,

implements of husbandry used in parishes where the roads lye:

cattle going to water, &c.

Post-horse with the mail,

waggoner's horse,

soldiers on march,

vagrants passed, prisoners transmitted.

Continuance 21 years from 1 May 1732. 25 G. 2. 21. continued 24 years, &c.

XV. And be it further enacted by the authority aforesaid, That the toll or duty hereby granted shall take place and have continuance from and after the first day of May in the year of our Lord one thousand seven hundred and thirty two for and during the term of twenty one years.

except as altered.

unless before the road adjudged by majority of trustees under hand and seal sufficiently repaired,

and money advanced repaid.

XVI. Provided nevertheless, That if at any time before the expiration of the said term of twenty one years all parts of the said road shall be sufficiently amended and repaired, and so adjudged by the majority of the said trustees appointed or hereafter to be chosen by virtue of this act by an adjudication under their hands and seals, that then from and after such adjudication made, and re-payment of such money as shall have been advanced or borrowed, with interest for the same, and the costs and charges thereof, the tolls and duties shall cease and determine; any thing herein contained to the contrary notwithstanding.

5 trustees, on death, removal, &c. may elect others, living in said counties.

XVII. And be it further enacted by the authority aforesaid, That for the continuing of a sufficient number of fit and able persons to be trustees for putting in execution all and every the powers in this act contained, for and during the continuance thereof, it shall and may be lawful to and for the said trustees, or any five or more of them, upon the death of any of the said trustees, their removal, or refusing to act in the said trust, by any writing under their hands and seals from time to time, and at all times hereafter during the term aforesaid, to elect, nominate, and appoint,

appoint in the room of ſuch truſtee or truſtees ſo deceaſed, removed, or refuſing to act, ſo many more fit and able perſon or perſons living in the ſaid county of Kilkenny, or county of Tipperary, to be joined with the ſaid truſtees in the execution of all and every the power and powers in them repoſed by virtue of this act; and all and every perſon or perſons ſo to be choſen truſtee or truſtees to join in putting this act in execution, as they are herein before qualified to do, ſhall, and may, and are hereby impowered to act to all intents and purpoſes in as full, large, and ample manner as the ſaid truſtees are by this act impowered to do, and ſo *toties quoties* as often as occaſion ſhall require. A. D. 1731. Chap. 19.

21 ſhall meet at tholſel of Kilkenny 1 Monday in April 1732.

XVIII. And be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any twenty one or more of them, ſhall meet at the Tholſel of the city of Kilkenny on the firſt Monday in the month of April in the year of our Lord one thouſand ſeven hundred and thirty two, and the ſaid truſtees ſhall then adjourn themſelves, and afterwards meet there, or at any other place or places near the ſaid highways or roads to be repaired, as the ſaid truſtees, or any five or more of them, ſhall think proper or convenient, as often as it ſhall be neceſſary for putting this act in execution; and if it ſhall happen that there ſhall not appear at any meeting, which ſhall be appointed to be had or held by the ſaid truſtees, a ſufficient number of truſtees to act at ſuch meeting and to adjourn to any other day, then and in ſuch caſe the clerk to the ſaid truſtees by notice in writing, to be affixed at the reſpective gates or turnpikes at leaſt ten days before the next meeting, ſhall appoint the ſaid truſtees to meet at the houſe where the meeting of the ſaid truſtees was laſt appointed to be had, or at ſome other convenient houſe near the ſaid roads, on the day fortnight next after the day upon which ſuch laſt meeting of the ſaid truſtees was appointed to have been held, and that the ſaid truſtees at their firſt meeting and at all other ſubſequent meetings ſhall defray their own charges and expences.

adjourn, and meet near ſaid road as often as neceſſary,

if not ſufficient number, the clerk fixing notice at turnpikes 10 days before, ſhall appoint meeting a fortnight after.

Truſtees to defray their own expences.

XIX. Provided always, and be it further enacted by the authority aforeſaid, That no perſon or perſons, appointed or to be appointed by this act a truſtee or truſtees for putting this act in execution, ſhall have or accept of any place of profit ariſing out of or by reaſon of the toll or duty by this act laid or granted: but ſuch perſon or perſons ſhall be incapable from the time of accepting and continuing to enjoy ſuch place of profit of acting as a truſtee.

none having place of profit out of the toll ſhall be truſtee.

XX. And be it further enacted by the authority aforeſaid, That if any ſuit ſhall be commenced againſt any perſon or perſons for any thing done in purſuance of this act, that in every ſuch caſe the action ſhall be laid in the ſaid county or city of

Actions laid in ſaid counties,

A. D. 1731.

Defendants may plead general iſſue, &c.

Kilkenny, or county of Tipperary, and not elſewhere; and the defendant or defendants in ſuch action or actions to be brought may plead the general iſſue, and give this act and the ſpecial matter in evidence at any tryal to be had thereupon, and that the ſame was done in purſuance and by the authority of this act; and if it ſhall appear ſo to be done, or that ſuch action or actions ſhall be brought in any other county, that then the jury ſhall find for the defendant or defendants; and upon ſuch verdict, or if the plaintiff ſhall be nonſuited, or diſcontinue his action, after the defendant or defendants ſhall have appeared, or if on any demurrer judgment ſhall be given againſt the plaintiff, the defendant or defendants ſhall and may recover treble coſts, and have the like remedy for the ſame, as any defendant or defendants hath or have in any other caſes by law.

and have treble coſts.

A publick act.

XXI. And be it further enacted by the authority aforeſaid, That this act ſhall be deemed, adjudged, and taken to be a publick act, and be judicially taken notice of as ſuch by all judges, juſtices, and other perſons whatſoever, without ſpecially pleading the ſame.

CHAP. XX.

An Act for repairing the road leading from the city of Cork to the brook which bounds the counties of Cork and Tipperary near the foot of Kilworth mountain.

7 G. 2. 20. *made more effectual.*

The road not to be repaired by ordinary courſe.

WHEREAS the highways or roads leading from the city of Cork through the towns of Rathcormack, Fermony and Clogheen, and from thence to the brook which bounds the counties of Cork and Tipperary near the foot of Kilworth mountain, by reaſon of the ſeveral hollow ways, and of the many and heavy carriages frqeuently paſſing through the ſame, are become ſo ruinous and bad, that in winter-ſeaſon many parts thereof are impaſſable for waggons, carts, cars, and other carriages, and very dangerous for travellers, and cannot by the ordinary courſe appointed by the laws and ſtatutes of this realm be effectually mended and kept in good repair: wherefore, and to the intent that the ſaid highways or roads may with convenient ſpeed be effectually amended, and hereafter kept in good and ſufficient repair, ſo that all perſons may travel through the ſame with ſafety; be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That for the better ſurveying, ordering, amending, and keeping in repair the ſaid highways or roads it ſhall be in the power of the right honourable James

James earl of Barrimore, the right honourable William earl of Inchequin, the right honourable James lord baron Kingſton, the honourable James Obrien eſquire, Sir Richard Mead baronet, Henry Boyle, Redmond Barry ſenior, William Maynard, William Charters, James Jeffreys governor of Cork, James Barry, Eaton Stannard, Noble Dunſcomb, Richard Betteſworth, Hugh Dickſon, George Dunſcomb, Chriſtopher Rogers, Stephen Moor, Robert Betteſworth, Arthur Hide, Nicholas Colthruſt, Peter Cary, John Michell, Redmond Barry junior, John Colthruſt, Denis Macarty eſquires, the reverend maſter Cornelius Pyne, the reverend maſter Barry Hartwell, the reverend maſter Henry Harriſon, captain John Harriſon, Devereux Sprat, John Spread, Standiſh Barry, Stephen Coppinger, Thomas Cook eſquires, the reverend maſter George Strode, the reverend maſter Walker Atkins, the reverend maſter Thomas Ryder, the reverend maſter John Thomas Atkins, John Maſon, William Nuenham, George Stannard, Wriotheſly Dellerue, John Tooker, Redmond Barry, John Lyſaught, Anthony Jephſon, the honourable Hays St. Leger, Bartholomew Purdon, William Cauſebon, William Naſh, Edward Hoare eſquires, Sir Matthew Dean baronet, Thomas Dean, Matthew Dean eſquires, James Huelet eſquire, mayor of Cork, James Percy, and Robert Trevers eſquires, ſheriffs of Cork, alderman Ambroſe Craner, Alderman Edmond Knapp, alderman John Morley, James Lumbard, Charles Smyth, Francis Kearney, John Grove, John Delacourt, Sampſon Toogood eſquires, captain Miles Jackſon, the reverend Dean——French, John Gaggen Stephen Grant, Daniel Hurley, Francis Haley, Ignatius Goold, John Dixon, Thomas Burgeſs, Walter Goold, Robort Croker, Garret Gold, David Cooſhin, Terence Obrien, Henry Thomas, Samuel Harriſon, James Barry, John Vovell, Henry Pearde, Richard Pearde, John Locker, Daniel Kieve, Michael Roberts, Randal Roberts, Thomas Cary, Thomas Farran, Richard Harriſon, William Pope, Benjamin Roberts, John Philpot, Edward Thornhill, Hodder Roberts and Daniel Macarty gentlemen, who are hereby nominated and appointed truſtees of the ſaid roads, and the ſurvivors of them, that they, or any five or more of them, or ſuch perſon or perſons as they, or any five or more of them, ſhall authorize and appoint, ſhall and may erect, or cauſe to be erected, one or more gate or gates, turnpike or turnpikes, in, upon, or acroſs any part or parts of the ſaid highways or roads; and alſo a toll-houſe or toll-houſes, and there ſhall receive and take the tolls and duties following before any horſe, mare, aſs, or mule, gelding, cattle, coach, berlin, chariot, calaſh, chaiſe, chair, waggon, wain, cart, carr, or other carriage, ſhall be permitted to paſs through the ſame: *viz.* for every coach, berlin, chariot, calaſh, chaiſe, or chair, drawn by ſix

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truſtees for repair thereof. 23 G. 2. 16. *may ſue, &c. as if incorpoted.*

and muſt have 50 *l.* per ann. *freehold, or* 1000 *l.*

any 5, may erect gates, turnpikes, and toll-houſes,

and take toll, before horſe or carriage permitted to paſs,

A. D. 1731. Chap. 20. the toll.

six horſes or more, the ſum of one ſhilling; and for every coach, berlin, chariot, calaſh, chaiſe, or chair, drawn by any leſs number of horſes than ſix, and more than two, the ſum of ſix pence; and for every coach, berlin, chariot, calaſh, chaiſe, or chair, with four wheels and drawn by two horſes only, the ſum of ſix pence; and for every calaſh, chaiſe, or chair drawn by one horſe, the ſum of two pence; for every waggon, wain, cart, car, or other carriage with four wheels, the ſum of eight pence; for every wain, cart, car, or other carriage with two wheels, having more than one horſe, mare, or gelding, the ſum of three pence; for every car or other carriage having but one horſe, mare, or gelding, the ſum of one penny; for every horſe, mare, or gelding, aſs, or mule, with one perſon or more riding thereon the ſum of one penny; for every horſe, mare, gelding, mule, or aſs, laden or unladen, and not drawing, nor having any perſon riding thereon, one halfpenny; for every drove of oxen, or neat cattle, the ſum of ten pence *per* ſcore, and ſo in proportion for any greater or leſſer number; for every drove of calves, hogs, ſheep, or lambs, the ſum of five pence *per* ſcore, and ſo in proportion for any greater or leſſer number; which ſaid reſpective ſum and ſums of money ſhall be demanded and taken in the name of or as a toll or duty; and the money ſo to be raiſed as aforeſaid is and ſhall hereby be veſted in the ſaid truſtees, and the ſame and every part thereof ſhall be paid, applied, diſpoſed of, and aſſigned to and for the ſeveral uſes, intents, and purpoſes, and in ſuch manner, as is herein after mentioned and directed; and the ſaid truſtees, or any five or more of them, are hereby impowered by themſelves, or any perſon or perſons by them, or any five or more of them, under their hands and ſeals thereunto authorized, to levy the toll or duty hereby required to be paid upon any perſon or perſons, who ſhall after demand made thereof neglect or refuſe to pay the ſame, by diſtreſs of any horſe or horſes, or other cattle or goods, upon which ſuch toll or duty is by this act impoſed, or upon any other of the goods and chattles of ſuch perſon or perſons who ought to pay the ſame, and may detain and keep the ſame until ſuch toll or duty with the reaſonable charges of ſuch diſtraining or keeping ſhall be paid; and it ſhall and may be lawful to and for ſuch perſon or perſons ſo diſtraining after the ſpace of five days after ſuch diſtreſs made and taken to ſell the goods ſo diſtrained, returning the overplus (if any be) upon demand to the owner thereof, after ſuch toll, duty, and reaſonable coſts and charges for diſtraining and keeping the ſame ſhall be deducted and paid.

7 G. 2. 20. *altered.*

The money raiſed veſted in the truſtees,

any 5 &c. may on non-payment levy by diſtreſs, and ſell after 5 days.

II. And be it further enacted by the authority aforeſaid, That out of the firſt money ariſing from the profits of the ſeveral turnpikes ſo to be erected the ſaid truſtees, or any five or more of them, ſhall firſt pay and diſcharge the expence of procuring this act of Parliament, and of erecting ſuch turnpike or turnpikes, or building ſuch toll-houſe or toll-houſes; and from and after ſuch charges and expences ſhall be fully ſatisfied and paid, that then and from thenceforth the profits ariſing and the toll to be collected at any turnpike or turnpikes, to be erected and ſet upon the road leading from the city of Cork to the brook which bounds the counties of Cork and Tipperary, near the foot of Kilworth mountain, ſhall be applied for and towards the repair of the ſaid road only, and not elſewhere.

Profits of toll, after charges paid, laid out on the road.

III. And be it further enacted by the authority aforeſaid, That if any perſon or perſons whatſoever owning, renting, or occupying any land near unto any turnpike to be erected in purſuance of this act ſhall for gain, reward, or otherwiſe wittingly or willingly permit any perſon or perſons whatſoever to paſs through any gate, paſſage, or way, with any coach, berlin, chariot, calaſh, chaiſe, or chair, waggon, wain, cart, car, or carriage, or riding or driving any horſe, aſs, mule, or any ſort of cattle, to avoid the payment of the toll hereby appointed to be paid, and be thereof convicted upon oath before the ſaid truſtees, or any five or more of them, or before one or more juſtice or juſtices of the peace for the county, where ſuch offence or offences ſhall be committed, who are hereby impowered and required to adminiſter ſuch oath; every perſon ſo offending ſhall forfeit and pay to the truſtees authorized to put this act in execution the ſum of ten ſhillings, to be levied by diſtreſs and ſale of the offenders goods by warrant under the hand and ſeal or under the hands and ſeals of the ſaid truſtees, or any five or more of them, or ſuch juſtice or juſtices of the peace; rendering the overplus to the owner (if any be) the charges in taking and diſpoſing of the ſaid goods being firſt deducted.

Owners of land near a turnpike permitting paſſage to avoid toll.

Penalty 10 s. to truſtees.

IV. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid truſtees, or any five or more of them, to erect one or more gate or gates, turnpike or turnpikes, on the ſide of the ſaid highways or roads acroſs any lane or way leading out of the ſaid road, and to build one or more toll-houſe or toll-houſes, and there to receive and take ſuch toll, as is appointed by this act to be taken; ſo as the ſame do not extend to a double charge in caſe of paſſing through any other of the turnpikes to be erected by virtue of this act between the ſaid city of Cork and the ſaid brook, which bounds the counties of Cork and Tipperary, near the foot of Kilworth mountain aforeſaid.

Gates, &c. may be erected on the ſide, croſs any way leading out of the road,

and toll taken,

ſo as no double charge.

5 truſtees at meeting may appoint receivers and ſurveyors,

V. And be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any five or more of them, at their firſt meeting or any ſucceeding meeting by writing under their hands and ſeals ſhall and may elect, nominate, and appoint one or more fit perſon or perſons to be receiver or receivers, collector or collectors, of ſuch money, in the name of ſuch toll or duty, as ſhall be due and payable by virtue of this act, and alſo one or more fit perſon or perſons to be ſurveyor or ſurveyors to ſee the condition of the ſaid highways or roads, and to ſee that the ſame be repaired and amended, and that the money ariſing and expended by virtue of this act be duly applied; and from time to time to remove ſuch collectors, receivers, and ſurveyors, or any or either of them, as they ſhall ſee occaſion, and appoint new ones in caſe of death or of ſuch removal; and ſuch perſon or perſons, as is or are by this act liable to pay the ſaid toll or duty, is and are hereby required to pay the ſame after the rates aforeſaid to the ſaid receiver or receivers, collector or collectors, of the ſaid toll and duty in that behalf from time to time appointed as aforeſaid; and the perſon or perſons ſo appointed as aforeſaid for receiving the ſaid toll and duty, and all ſuch ſurveyor and ſurveyors as aforeſaid, ſhall upon oath, if thereto required by the truſtees, or any five or more of them, or before one or more juſtice or juſtices of the peace reſiding near the highway or road aforeſaid (which oath the ſaid truſtees or any five or more of them, or ſuch juſtice or juſtices of the peace is and are hereby impowered and required to adminiſter) on the firſt Tueſday in every month, or oftner, if required, during the continuance of this act, give in a true, exact, and perfect account in writing under their reſpective hands of all moneys, which he and they, and every or any of them, ſhall to ſuch time have received, paid, and diſburſed by virtue of this act by reaſon of their reſpective offices, for which oath no fee or reward ſhall be taken; and in caſe any money ſo received ſhall remain in their or any of their hands, the ſame ſhall be paid to the ſaid truſtees, or any five or more of them, or to ſuch perſon or perſons as the truſtees, or any five or more of them, (as they are qualified to act) ſhall by any writing or writings under their hands and ſeals authorize and impower to receive the ſame; which ſhall be diſburſed and laid out in amending the ſaid highways or roads according to the true intent and meaning of this act, and not otherwiſe; and the ſaid truſtees, or any five or more of them, to whom ſuch account ſhall be given, ſhall and may out of the money ariſing by the ſaid toll or duty make ſuch allowance to the ſaid receiver or receivers, collector or collectors, and the ſurveyor or ſurveyors, for and in conſideration of his and their care and pains reſpectively taken in the execution of his and their office and offices, and to ſuch other perſon or perſons who

remove and chuſe others.

Account in writing, on oath if required, firſt tueſday monthly, or oftner,

ſurplus paid to truſtees, &c. and laid out on the road.

Allowance to receivers not above 30l. *per ann.* in the whole,

who have been or ſhall be aſſiſting in and about procuring the ſaid highways and roads to be amended and repaired by advancing and laying out any moneys, or otherwiſe relating thereto, as to them ſhall ſeem good; ſo as ſuch allowance or allowances to ſuch collector or collectors do not annually exceed in the whole the ſum of thirty pounds; and to ſuch ſurveyor or ſurveyors the ſum of three ſhillings *per diem*, during ſuch time or times as he or they ſhall be reſpectively employed in the repair of the ſaid roads; and ſo as ſuch allowance or allowances to any other perſon or perſons, who ſhall be employed by virtue of this act, do not exceed the ſum of fifteen pounds yearly to each perſon; and in caſe the ſaid receiver or receivers, collector or collectors, of the aforeſaid toll and duty, or any of them, ſhall not make ſuch account and payment unto ſuch perſon and perſons according to the orders and directions of the ſaid truſtees, or any five or more of them as aforeſaid, that then the ſaid juſtices of the peace at any ſpecial ſeſſions or meeting of them to be holden for the county, in which the ſaid receiver or receivers, collector or collectors, have acted or been employed, and made ſuch default as aforeſaid, ſhall and are hereby required and impowered to make inquiry and finally to determine of and concerning ſuch default as well by confeſſion or examination upon oath of the ſaid parties themſelves, as by the teſtimony of one or more credible witneſs or witneſſes upon oath, which oath they are hereby impowered and required to adminiſter without fee or reward; and if any perſon or perſons ſhall be convicted thereof by ſuch juſtices, the ſaid juſtices ſhall upon ſuch conviction commit the party or parties to the common goal of the county, where ſuch offence ſhall be committed, there to remain without bail or mainprize until he or they ſhall have made a true and perfect account and payment as aforeſaid.

to ſurveyors, 3 *s. per diem* while employed,

to others not above 15 *l.* each yearly.

On default of account and payment juſtices at ſpecial ſeſſions ſhall inquire,

and commit offenders.

VI. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid ſurveyor or ſurveyors, and ſuch perſon or perſons as he or they ſhall appoint, to dig, raiſe, gather, take, and carry away any gravel, furze, ſand, ſtones, or other materials out of any waſte or common of any pariſh, town, village, or hamlet, in or near which any founderous or ruinous places of the ſaid highways or roads do lye; and for want of ſufficient gravel, furze, ſand, ſtones, or other materials there to dig, gather, raiſe, take, and carry away the ſame out of the waſte or common of any neighbouring pariſh, town, village, or hamlet, without paying any thing for the ſame; and, where there is not ſufficient of ſuch materials in any common or waſte grounds neat adjoyning, it ſhall and may be lawful for them by order of the ſaid truſtees, or any five or more of them, to dig, raiſe, and gather the ſame in the ſeveral grounds of

Surveyors, &c. may raiſe materials in neighbouring waſte or common without paying,

and if not ſufficient, in any perſon's grounds by order of 5 truſtees not a garden, &c. 11 *G.* 2. 17. *may dig in potatoe ground.*

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of any perſon or perſons, not being a garden, orchard, yard, or meadow, planted walk or walks, or avenue to a houſe, where any ſuch materials are or may be found, and from time to time to carry away ſuch and ſo much thereof as the ſaid ſurveyor or ſurveyors in their reſpective places ſhall adjudge neceſſary for the repairing and amending the ſaid highways or roads; paying ſuch rate for ſuch materials and for the damage to the owner or occupier of the ground, from whence the ſame ſhall be digged, raiſed, gathered, and carried away, as the truſtees appointed or to be appointed to put this act in execution, or any five or more of them, ſhall adjudge reaſonable; and in caſe of any difference between ſuch owner and occupier and the ſaid truſtees touching the value of the materials and damage aforeſaid, the judges of aſſize, or the juſtices of the peace at the next general aſſizes and general goal-delivery, or quarter-ſeſſions, to be holden in the county where ſuch materials ſhall be digged, raiſed, or gathered, and from whence the ſame ſhall be carried away, may and ſhall adjudge, aſſeſs, and finally determine the ſame.

paying, as 5 truſtees judge reaſonable,

Differences determined at aſſizes or ſeſſions.

VII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid ſurveyor or ſurveyors, and ſuch perſon or perſons as he or they ſhall appoint, from time to time to remove and prevent annoyances on any part of the ſaid highways or roads hereby intended to be repaired by removing any filth, dung, aſhes, rubbiſh, or watercourſes, adjoyning to the ſaid roads, or by cutting down, lopping, or topping any trees or buſhes growing in the ſaid highways, or in the hedges or banks adjacent to the ſaid highways, and to take and carry away the ſame (the owners or occupiers neglecting to cut down ſuch trees or buſhes, or to remove ſuch other annoyances, for the ſpace of ten days after notice in writing given for that purpoſe under the hands of five of the ſaid truſtees) the charges whereof ſhall be reimburſed the ſaid ſurveyor or ſurveyors by ſuch owners or occupiers neglecting to cut down the ſaid trees or buſhes, or remove ſuch other annoyances aforeſaid; and if after removal of any ſuch annoyances any perſon or perſons ſhall again offend in the like kind, every ſuch perſon or perſons ſo offending, and being thereof convicted upon oath before one or more juſtice or juſtices of the peace of the ſaid county where ſuch offence ſhall be committed, ſhall for every ſuch offence forfeit and pay unto the ſaid truſtees the ſum of ten ſhillings, to be levied in manner aforeſaid.

Surveyors, &c. may remove annoyances,

lop, or cut and carry away trees,

on neglect of owner 10 days after notice in writing by 5 truſtees:

Offenders, after removal, on conviction before a juſtice forfeit 10 s. to truſtees.

VIII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid ſurveyor or ſurveyors by order of the ſaid truſtees, or any five or more of them, to make or cauſe to be made cauſeways, and to cut and make

Surveyors by order of 5 truſtees may make cauſeways, drains, and arches in ground contiguous,

make drains, through any ground lying contiguous to the ſaid roads, and to erect arches of brick, timber, or ſtone thereupon; and alſo to widen any of the narrow parts of the ſaid highways or roads, by opening, clearing, and laying into the ſaid highways or roads any grounds of any perſon or perſons lying contiguous to ſuch highways or roads, not being a houſe, garden, orchard, planted-walk, or avenue to a houſe; and alſo to cauſe ditches and trenches to be made in ſuch places and in ſuch manner, as ſuch ſurveyor or ſurveyors by order of the ſaid truſtees, or any five or more of them, ſhall adjudge neceſſary for the better amending and keeping the ſaid highways or roads in good repair; making ſuch reaſonable ſatisfaction to the owner or occupier of ſuch ground, which ſhall be ſo laid in or unto the ſaid highways or roads, or through which any ſuch drain or drains ſhall be cut, or on which any ſuch arch or arches ſhall be made, for the damage which he or they ſhall or may thereby ſuſtain, as ſhall be aſſeſſed and adjudged by the next going judge or judges of aſſize, or by the juſtices of the peace, or the major part of them, at the next general aſſiſes or quarter-ſeſſions to be holden for the county in which ſuch ground ſhall be laid into the ſaid highways or roads, or through which any ſuch drains, ditch or ditches, ſhall be cut or made, or on which ſuch arch or arches ſhall be erected or made, or ſuch cauſeways made, in caſe of any difference concerning the ſame; and if any owner or occupier of any water-courſes, ditch or ditches, adjoyning to the ſaid highways or roads ſhall neglect or refuſe to ſcour or cleanſe ſuch water-courſes, and to make ſuch ditches ſo deep, and in ſuch manner, as the ſaid ſurveyor or ſurveyors ſhall adjudge proper and convenient, after ten days notice ſhall be given for that purpoſe by ſuch ſurveyor or ſurveyors to be appointed, or ſuch perſon or perſons as ſhall be appointed by him or them, to ſuch owner or owners, it ſhall and may be lawful to and for the ſurveyor or ſurveyors to ſet any man or men to work to ſcour or cleanſe and make the ſame, and by warrant from any five or more of the ſaid truſtees to levy the charges thereof upon the perſons goods or eſtates of the owner or owners, occupier or occupiers, of ſuch water-courſe, ditch or ditches, by diſtreſs and ſale of his, her, or their goods and chattles, rendring the overplus (if any be) to the ſaid owners or occupiers after all charges paid.

and widen the road by taking in ground not garden, &c and dig trenches;

reaſonable ſatisfaction made,

Difference ſettled at aſſizes or ſeſſions.

Surveyors may cleanſe water-courſes and deepen ditches on neglect of owner 10 days after notice. 23 *G.* 2. 16.

and by warrant of 5 truſtees levy the charge.

IX. And foraſmuch as the money, ſo to be collected by ſuch receipt of the ſaid toll, will not at preſent be ſufficient for the ſpeedy repairing of the ſaid highways or roads: be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any nine or more of them, ſhall, and may, and are hereby impowered from

9 truſtees may aſſign the toll as ſecurity for money borrowed for ſpeedy repair of the road.

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time to time by writing under their reſpective hands and ſeals to aſſign over the ſaid toll or duty hereby granted, or any part thereof (the coſts and charges whereof to be born and paid out of ſuch toll or duty) for any term or time during the continuance of this act, as a ſecurity for any ſum or ſums of money by them to be borrowed for that purpoſe, to ſuch perſon or perſons, or their truſtees, who ſhall advance and lend the ſame, to ſecure the re-payment thereof with the lawful intereſt thereof, or leſs, if the ſame can be ſo had; which ſaid money borrowed ſhall be applied and diſpoſed of, as the ſaid toll or duty is by this act to be applied and diſpoſed of, and to no other uſe, intent, or purpoſe whatſoever.

Perſons delivering ticket of payment at one gate, not liable to pay at another,

X. Provided always, That in caſe there ſhall be more than one gate or turnpike in, acroſs, or on the ſide of the ſaid highways or roads between the ſaid city of Cork and the ſaid brook, which bounds the counties of Cork and Tipperary near the foot of Kilworth Mountain aforeſaid, no perſon or perſons having paid the toll or duty at the firſt gate or turnpike, through which ſuch perſon or perſons ſhall paſs, and producing a note or ticket that the ſaid toll or duty was paid (which note or ticket the receiver or receivers, collector or collectors, is and are hereby required to give *gratis*) ſhall be liable to pay any toll or duty at any other of the gates and turnpikes upon or on the ſide of the ſaid highway or road, ſuch perſon or perſons delivering the ſaid note or ticket to the ſaid receiver or receivers, collector or collectors, of the ſaid toll or duty at the latter gate or turnpike the ſame day; and no perſon or perſons, having occaſion to paſs the place or places where the toll or duty is taken, and who ſhall return the ſame day upon or with the ſame horſe, mare, gelding, aſs, mule, cattle, coach, chariot, berlin, chaiſe, chair, calaſh, waggon, cart, car, or other carriage, ſhall be lyable or compellable the ſame day to pay the ſaid toll or duty more than once on the ſaid road.

nor returning ſame day with ſame horſe or carriage.

Giver and receiver of a ticket to avoid toll reſpectively forfeit 10 s.

XI. And for preventing frauds and abuſes in the ſaid toll or duty; be it enacted by the authority aforeſaid, That if any perſon or perſons, having paid the toll or duty by this act granted and made payable, and having ſuch note or ticket, notes or tickets, as hereby directed, ſhall give or diſpoſe of the ſame to any other perſon or perſons in order to avoid the payment of the ſaid toll or duty, every ſuch perſon giving, diſpoſing, or offering, and the perſon receiving, ſuch note or ticket, notes or tickets, and being thereof convicted upon oath before the ſaid truſtees, or any five or more of them, or before any one or more juſtice or juſtices of the peace for the county wherein ſuch offence or offences ſhall be committed,

mitted, which oath the ſaid truſtees or the ſaid juſtice or juſtices are hereby impowered to adminiſter, ſhall reſpectively forfeit and pay the ſum of ten ſhillings; to be levied, recovered, and diſpoſed of, as any other penalty or forfeiture is directed to be levied, recovered, and diſpoſed of by this act. A. D. 1731. Chap. 29.

XII. Provided always, and it is hereby declared, That during the continuance of this act all coaches and paſſengers on horſeback ſhall paſs and repaſs toll-free on the day or days, on which there ſhall be an election for knight or knights of the ſhire to ſerve in Parliament for the counties of Cork and Tipperary, or citizens for the ſaid city of Cork, or for any burgeſs to ſerve in Parliament for any borough in the ſaid counties reſpectively; any thing herein contained to the contrary notwithſtanding. Toll-free on days of election for Cork, Tipperary, &c.

XIII. And be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any five or more of them, may and are hereby impowered from time to time, as they ſhall ſee convenient or think fit, to compound or agree by the year or otherwiſe with any perſon or perſons uſing to travel through the turnpike or turnpikes to be erected with any milch cows, horſe, mare, or gelding, aſs or mule, or with any coach, berlin, calaſh, chaiſe, chair, waggon, cart, carr, or other carriage, for any ſum or ſums of money, to be paid quarterly from time to time after ſuch agreement ſhall be made. 5 truſtees may compound for any ſum, payable quarterly. 23 G. 2. 16.

XIV. Provided alſo, and it is hereby declared, that no perſon ſhall be charged with any of the tolls or duties aforeſaid, who ſhall paſs through any of the turnpikes to be erected by this act, who ſhall carry any quantities of ſtones, gravel, or other materials for repairing of the ſaid roads, or any of the roads in the pariſhes in which the ſame do lye, or in any neighbouring pariſhes; nor ſhall any perſon or perſons be chargeable with the ſaid toll or duty for any carts, carrs, or waggons, loaded with corn in the ſtraw only; nor for any ploughs, harrows, or any implements of huſbandry, in order to the uſing or repairing of the ſame in the ſeveral pariſhes in which the ſaid highways or roads hereby intended to be repaired do lye; nor ſhall any toll or duty be demanded or taken at any of the turnpikes to be erected for any horſe, mare, gelding, aſs, or mule, or other cattle going to water, or for any poſt-horſe carrying the mail or packet, or for ſuch horſe as is or ſhall be uſed only to ride on by the owner or driver of any waggon, cart, or carriage, provided ſuch horſe paſs through the ſaid turnpike or turnpikes with ſuch waggon, cart, or carriage; nor ſhall any toll or duty be demanded or taken for the horſes of ſoldiers paſſing, that are upon their march, or for waggons, carts, cars, or other carriages attending them; Perſons exempt from toll. 7 G. 2. 20. *Horſes with ſand for manure.*

A. D. 1731. Chap. 20.

them; or for horſes, waggons, carts, cars, or other carriages travelling with vagrants ſent by paſſes, or with priſoners tranſmitted from one part of the kingdom to another.

Continuance 21 years from 25 Mar. 1732. 7 G. 2. 20. *continued* 22 *years, &c. except as altered.*

XV. And be it enacted by the authority aforeſaid, That the toll or duty hereby granted ſhall take place and have continuance only from and after the twenty fifth day of March in the year of our Lord one thouſand ſeven hundred and thirty two for and during the term of twenty one years.

unleſs the road adjudged before by majority of truſtees under hand and ſeal ſufficiently repaired,

and money advanced repaid.

XVI. Provided nevertheleſs, That if at any time before the expiration of the ſaid term of twenty one years all parts of the ſaid road ſhall be ſufficiently amended and repaired, and ſo adjudged by the majority of the truſtees, appointed or hereafter to be choſen by virtue of this act, by an adjudication under their hands and ſeals, that then from and after ſuch adjudication made, and repayment of ſuch money as ſhall have been advanced or borrowed, with intereſt for the ſame, and the coſts and charges thereof, the tolls and duties ſhall ceaſe and determine; any thing herein contained to the contrary notwithſtanding.

5 truſtees, on death, removal, or refuſing to act, may elect others living in ſaid counties.

XVII. And be it further enacted by the authority aforeſaid, That for the continuing of a ſufficient number of fit and able perſons to be truſtees for putting this act in execution and all and every the powers in this act contained for and during the continuance thereof, it ſhall and may be lawful to and for the ſaid truſtees, or any five or more of them, upon the death of any of the ſaid truſtees, removal, or refuſing to act in the ſaid truſt, by any writing or writings under their hands and ſeals from time to time and at all times hereafter during the term aforeſaid to elect, nominate, and appoint, in the room of ſuch truſtee or truſtees ſo deceaſed, removed, or refuſing to act, ſo many more fit and able perſons living in the ſaid counties of Cork or Tipperary, to be joined with the ſaid truſtees in the execution of all and every the power and powers in them repoſed by virtue of this act; and all and every perſon or perſons ſo to be choſen truſtee or truſtees to join in putting this act in execution, as they are herein before qualified to do, ſhall, and may, and are hereby impowered to act, to all intents and purpoſes in as full, large, and ample manner, as the ſaid truſtees are by this act impowered to do, and ſo *toties quoties* as often as occaſion ſhall be and require.

15 truſtees to meet at Rathcormuck,

adjourn and meet near ſaid road as often as neceſſary.

XVIII. And be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any fifteen or more of them, ſhall meet at Rathcormuck in the county of Cork on the ſecond Monday in the month of March in the year of our Lord one thouſand ſeven hundred and thirty one, and the ſaid truſtees ſhall then adjourn themſelves, and afterwards meet there, or at any other place or places near the ſaid highways or roads to be repaired, as the ſaid truſtees,

truſtees, or any five or more of them, ſhall think proper or convenient, as often as it ſhall be neceſſary for the putting this act in execution; and if it ſhall happen, that there ſhall not appear at any meeting, which ſhall be appointed to be had or held by the ſaid truſtees, a ſufficient number of truſtees to act at ſuch meeting and to adjourn to any other day, then and in ſuch caſe the clerk to the ſaid truſtees by notice in writing, to be affixed at the reſpective gates or turnpikes at leaſt ten days before the next meeting, ſhall appoint the ſaid truſtees to meet at the houſe, where the meeting of the ſaid truſtees was laſt appointed to be had, or at ſome other convenient houſe near the ſaid roads, on the day fortnight next after the day upon which ſuch laſt meeting of the ſaid truſtees was appointed to have been held; and that the ſaid truſtees at their firſt meeting and at all other ſubſequent meetings ſhall defray their own charges and expences.

If not ſufficient number, the clerk fixing notice at the turnpikes 10 days before ſhall appoint meeting a fortnight after.

Truſtees to defray their charges.

XIX. Provided always, and be it further enacted by the authority aforeſaid, That no perſon or perſons, appointed or to be appointed by this act a truſtee or truſtees for putting this act in execution, ſhall have or accept of any place of profit ariſing out of or by reaſon of the toll or duty by this act laid or granted: but ſuch perſon or perſons ſhall be incapable from the time of accepting and continuing to enjoy ſuch place of profit, of acting as a truſtee.

None having place of profit out of the toll ſhall be truſtee. 7 *G.* 2. 20. *no truſtee ſhall undertake for repair.*

XX. And be it further enacted by the authority aforeſaid, That if any ſuit ſhall be commenced againſt any perſon or perſons for any thing done in purſuance of this act, that in every ſuch caſe the action ſhall be laid in the ſaid county or city of Cork or county of Tipperary, and not elſewhere; and the defendant or defendants in ſuch action or actions to be brought may plead the general iſſue, and give this act and the ſpecial matter in evidence at any tryal to be had thereupon, and that the ſame was done in purſuance and by the authority of this act; and if it ſhall appear ſo to be done, or that ſuch action or actions ſhall be brought in any other county, that then the jury ſhall find for the defendant or defendants; and upon ſuch verdict, or if the plaintiff ſhall be nonſuited or diſcontinue his action, after the defendant or defendants ſhall have appeared, or if on any demurrer judgment ſhall be given againſt the plaintiff, the defendant or defendants ſhall and may recover treble coſts, and have the like remedy for the ſame, as any defendant or defendants hath or have in any other caſes by law.

Actions ſhall be laid in ſaid counties,

Defendants plead general iſſue, &c.

and have treble coſts.

XXI. And be it further enacted by the authority aforeſaid, That this act ſhall be deemed, adjudged, and taken to be a publick act, and be judicially taken notice of as ſuch by all judges, juſtices, and other perſons whatſoever, without ſpecially pleading the ſame.

A publick act.

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CHAP. XXI.

An act for repairing the road leading from the town of Naas in the county of Kildare to the town of Maryborough in the Queen's-county.

7 G. 2. 17. made more effectual, 19 G. 2. 20.

WHEREAS the highways or roads leading from the town of Naas in the county of Kildare to the towns of Kildare, Lackagh, Monstereven, and from thence to the town of Maryborough in the Queen's-county, by reason of several hollow ways, and of the many and heavy carriages frequently passing through the same, are become so ruinous and bad, that in winter-season many parts thereof are impassable for waggons, carts, cars, and carriages, and very dangerous for travellers, and cannot by the ordinary course appointed by the laws and statutes of this realm be effectually mended and kept in good repair: wherefore, and to the end that the said highways or roads may with convenient speed be effectually mended, and hereafter kept in good and sufficient repair, so that all persons may travel through the same with safety; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That for the better surveying, ordering, amending, and keeping in repair the said highways or roads, it shall be in the power of the most reverend father in God doctor John Hoadley, lord archbishop of Dublin and primate of Ireland, the right honourable Robert earl of Kildare, the right honourable Richard earl of Cavan, the right honourable Algernoon earl of Montrath, the right honourable Edward earl of Drogheda, the right honourable Joshua lord viscount Allen, the right honourable Brabazon lord viscount Duncannon, the right honourable Richard lord baron Gowran, the right reverend father in God Welbore lord bishop of Kildare, the right reverend Arthur lord bishop of Ferns, the right reverend Edward lord bishop of Ossory, the right honourable Sir Ralph Gore baronet, speaker of the honourable the house of commons, the right honourable William Conolly esquire, the honourable Robert Allen esquire, the honourable William Ponsonby esquire, the honourable Richard Allen esquire, Sir Gerald Aylmer baronet, Sir John St. Leger knight, Sir Walter Burrows baronet, Sir John Byrn baronet, Sir John Denny Vesey baronet, Maurice Keating, Arthur Blennerhasset, Henry Rose, Nicholas Aylward, John Waller, Nicholas Loftus, Agmondisham Vesey, Edward

Not to be repaired by the ordinary course.

Trustees for repair thereof.

23 G. 2. 16. may sue, &c. as if incorporated.

and must have 50 l. per ann. freehold, or 1000 l.

Edward Stratford, Richard Weisley, Gerald Miſſet, John Stratford, Eyre Evans, Hays St. Leger, Thomas Carter, Robert Dixon, Thomas Burgh of Naas, William Burgh, Hugh Henry, Thomas Burgh of Bint, Robert Harman, John Bourke, Alexander Graydon, Lewis Jones of Arbaldſtown, John Warburton, James Euſtace of Yeomanſtown, Patrick Lattin, Lawrence Steel ſenior, Stephen Palfrey, James Medlycott, Thomas Nugent, Edward Loftus, John Digby, Ephraim Dawſon, Richard Warburton junior, William Flower, William Stannus, Richard Warburton ſenior, John Barrington, Warner Weſtenra, William Wall, St. Leger Gilbert, Pigot Sandes, William Herbert, William Henry Dawſon, Bartholomew Gilbert, James Hamilton, Thomas Hawkſhead, Periam Pole, Thomas Tenniſon, Joſias Champagne, Skeffington Smith, Southwell Pigot, Emanuel Pigot, William Deſpard, William Fitz-Gerald, Richard Sandes, Richard Deſpard, John Warburton junior, John Morton, Lewis Moore, William Pleaſants, Jonah Barrington, Philip Beard, William Bland, Arthur Weldon, Euſeby Stratford, Hunt Walſh, Ralph Wallis, Pole Coſby, John Deſpard, William Finn, Robert Finn, Walter Stephens, Peter Frankford, John Pigot, Colclough Pigot, George Pigot, Joſeph Cuffe, John Short, William Trench, Robert Dillon of Capokeel, John Preſton, Nathaniel Preſton, Godfrey Wills, Thomas Palmer, Thomas Keating, Richard Warren, Richard Nuttal, John Lee, Robert Burrows, Boyle Spencer, James Mc. Manus, Daniel Dun of Brittas, James Butler of Ballyadams, Joſeph Fiſh, Trevor Loyd, Gerald Fitz-Gerald, Francis Anneſly eſquires, the reverend James Higgens, the reverend doctor Marlay, the reverend William Dawſon, the reverend Hugh Dawſon, the reverend Henry Ally, the reverend ——— Curtis, the reverend Philip Farnſly, the reverend Robert Caulfield, the reverend Roger Lyndon clerks, the ſovereign of the town of Kildare for the time being, Daniel Brown, Edward Medlycott, Francis Brown, Thomas Medlycott, Robert Brown, Thomas Fitz-Gerald gentlemen, George Terry, George Warburton, Samuel Medlycott, William Carden, Nathaniel Mitchell, William Scott, Luke Dempſey, Pierce Moore, Thomas Croſdall, John Kelly of Clanricker, Hector Graham, William Gray, Jonathan Baldwin, Francis Knight, Mathew Caſſon, John Lewis, Nathaniel Julian, William Deſpard junior, Gilbert Wall, Courſey Ireland ſenior, Stephen Fitz-Gerald, Courſey Ireland junior, George Moſs, John Ridgeway, Jonathan Paſley, Colin Maxwell, John Pettigrew, John Beale, Nicholas Dowdall, John Ralph, Ephraim Steuart, Benjamin Gale, Francis Lodge, Dudley Fitz-Gerald, William Ridgeway,

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Ridgeway, Joſhua Strongman ſenior, Joſhua Strongman junior, Thomas Gates, Francis Gates, William Wilcox, Valentine Chetwood, John Booker, Edward Brerton, Patrick Henderſon, Nathaniel Jackſon, John Doxey, lieutenants James Walſh, John Houghton, Thomas Pigot, Henry Lewis, William Bambrick, Henry Sumner, William Pole, Thomas Bunbury, Thomas Maughan, George Graydon, James Bates, Francis Tyde, George Warren, Richard Prior, William Vicars, Samuel Tydd, John Baldwin, Joſeph Baldwin, Murrogh Graydon, John Wheatley, Richard Price, John Coſby, Thomas Graydon, Edmond Roan, John Hanigan, Thomas Colley, John Whitley, Hugh Graham, James Barrington, James Fitz-Gerald, Richard Vicars, Robert Flood, Henry Barry, Thomas Moſs, Richard Graham, Edmond Dempſey and Luke Dempſey junior, gentlemen, who are hereby nominated and appointed truſtees of the ſaid roads, and the ſurvivors of them, that they, or any five or more of them, or ſuch perſon or perſons as they, or any five or more of them, ſhall authorize and appoint, ſhall and may erect, or cauſe to be erected, one or more gate or gates, turnpike or turnpikes, in, or upon, or acroſs any part or parts of the ſaid highways or roads; and alſo a toll-houſe or toll-houſes, and there ſhall receive and take the tolls and duties following before any horſe, mare, gelding, aſs, or mule, cattle, coach, Berlin, chariot, calaſh, chaiſe, chair, waggon, wain, cart, car, or other carriage, ſhall be permitted to paſs through the ſame, *(viz.)* for every coach, Berlin, chariot, calaſh, chaiſe, or chair, drawn by ſix horſes or more the ſum of one ſhilling; for every coach, Berlin, chariot, calaſh, chaiſe, or chair, drawn by any leſs number of horſes than ſix, and more than two, the ſum of eight pence; for every coach, Berlin, chariot, calaſh, chaiſe, or chair, having four wheels, and drawn by two horſes only, the ſum of ſix pence; for every waggon, wain, cart, or carriage with four wheels the ſum of eight pence; for every wain, cart, or carriage with two wheels, having more than one horſe, mare, or gelding, aſs or mule, the ſum of three pence; for every carriage, commonly called a chair or chaiſe with one horſe, mare, or gelding, the ſum of two pence; for every car or other carriage, having but one horſe, mare, gelding, aſs, or mule, the ſum of one penny; for every horſe, mare, or gelding, aſs, or mule, with one perſon or more riding thereon the ſum of one penny; for every horſe, mare, gelding, aſs, or mule, laden or unladen, and not drawing, or having any perſon riding thereon, one halfpenny; for every drove of oxen or neat cattle the ſum of ten pence *per* ſcore, and ſo in proportion for any greater or leſſer number; and for every drove of calves, hoggs, ſheep, or lambs,

Any 5 may erect gates, turnpikes and toll-houſes,

and take toll before horſe or carriage permitted to paſs.

The toll.

7 G. 2. 17. altered.

19 G. 2. 20.

lambs, the ſum of five pence *per* ſcore, and ſo in proportion for any greater or leſſer number; which ſaid reſpective ſum and ſums of money ſhall be demanded and taken in the name of or as a toll or duty; and the money ſo to be raiſed as aforeſaid is and ſhall hereby be veſted in the ſaid truſtees, and the ſame and every part thereof ſhall be paid, applied, diſpoſed of, and aſſigned to, and for the ſeveral uſes, intents, and purpoſes, and in ſuch manner, as is herein after mentioned and directed; and the ſaid truſtees, or any five or more of them, are hereby impowered by themſelves, or any perſon or perſons by them, or any five or more of them, under their hands and ſeals thereunto authorized, to levy the toll or duty hereby required to be paid upon any perſon or perſons, who ſhall after demand made thereof neglect or refuſe to pay the ſame, by diſtreſs of any horſe or horſes, or other cattle or goods upon which ſuch toll or duty is by this act impoſed, or upon any other of the goods and chattels of ſuch perſon or perſons who ought to pay the ſame, and may detain and keep the ſame until ſuch toll or duty with the reaſonable charges of ſuch diſtraining or keeping ſhall be paid; and it ſhall and may be lawful to and for ſuch perſon and perſons ſo diſtraining, after the ſpace of five days after ſuch diſtreſs made and taken, to ſell the goods ſo diſtrained, returning the overplus (if any be) upon demand to the owner thereof after ſuch toll, duty, and reaſonable charges for diſtraining and keeping the ſame ſhall be deducted and paid.

Money raiſed veſted in truſtees.

Any 5 may for non-payment levy by diſtreſs,

and ſell after 5 days.

II. And be it further enacted by the authority aforeſaid, That out of the firſt money ariſing from the profits of the ſeveral turnpikes ſo to be erected the ſaid truſtees, or any five or more of them, ſhall firſt pay and diſcharge the expence of procuring this act of Parliament, and of erecting ſuch turnpike or turnpikes, and toll-houſe or toll-houſes; and from and after ſuch charges and expences ſhall be fully ſatisfied and paid, that then and from thenceforth the profits ariſing, and the toll to be collected at any turnpike or turnpikes to be erected and ſet up on the ſaid road, leading from the ſaid town of Naas to the town of Maryborough in the Queen's-county aforeſaid, ſhall be applied for and towards the repair of the ſaid road only, and not elſewhere.

Profits of toll, after paying charges, applied to repair the road.

III. And be it further enacted by the authority aforeſaid, That if any perſon or perſons whatſoever, owning, renting, or occupying any land near unto any turnpike to be erected in purſuance of this act, ſhall for gain, reward, or otherwiſe, willingly permit any perſon or perſons whatſoever, to paſs through any gate, paſſage, or way, with any coach, Berlin, chariot, calaſh, chaiſe, or chair, waggon, wain, cart, car, carriage, or riding or driving

Owners of land near a turnpike permitting paſſage to avoid toll,

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any horſe, aſs, mule, or any ſort of cattle, to avoid the payment of the toll hereby appointed to be paid, and be thereof convicted upon oath before the ſaid truſtees, or any five or more of them, or before any one or more juſtice or juſtices of the peace for the county wherein ſuch offence or offences ſhall be committed, who are hereby impowered and required to adminiſter ſuch oath, every perſon ſo offending ſhall forfeit and pay to the truſtees authorized to put this act in execution the ſum of ten ſhillings, to be levied by diſtreſs and ſale of the offenders goods by warrant under the hand and ſeal or under the hands and ſeals of the ſaid truſtees, or any five or more of them, or ſuch juſtice or juſtices, rendring the overplus to the owner (if any be) the charges in taking and diſpoſing of the ſaid goods being firſt deducted.

Penalty 10 s. to truſtees.

Gates, &c. may be erected on the ſide, croſs any way leading out of ſaid road,

and toll taken,

ſo as no double charge.

IV. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid truſtees, or any five or more of them, to erect one or more gate or gates, turnpike or turnpikes, on the ſide of the ſaid highways or roads acroſs any lane or way leading out of the ſaid road; and to build any toll-houſe or toll-houſes, and there to receive and take ſuch toll as is appointed by this act to be taken, ſo as the ſame do not extend to a double charge, in caſe of paſſing through any other of the ſaid turnpikes, to be erected by virtue of this act between the ſaid town of Naas and the ſaid town of Maryborough as aforeſaid.

5 truſtees at meeting may elect receivers and ſurveyors,

V. And be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any five or more of them, at their firſt meeting or any ſucceeding meeting by writing under their hands and ſeals ſhall and may elect, nominate, and appoint, one or more fit perſons or perſons to be receiver or receivers, collector or collectors of ſuch money in the name of ſuch toll or duty, as ſhall be due and payable by virtue of this act; and alſo one or more fit perſon or perſons to be ſurveyor or ſurveyors to ſee the condition of the ſaid highways or roads, and to ſee that the ſame be repaired and amended, and that the money ariſing and expended by virtue of this act be duly applied; and from time to time to remove ſuch collectors, receivers, or ſurveyors, or any, or either of them, as they ſhall ſee occaſion, and appoint new ones in caſe of death or of ſuch removal; and ſuch perſon or perſons, as is or are by this act lyable to pay the ſaid toll or duty, is and are hereby required to pay the ſame after the rate aforeſaid to the ſaid receiver or receivers, collector, or collectors of the ſaid toll or duty in that behalf from time to time appointed as aforeſaid; and the perſon or perſons, ſo appointed as aforeſaid for receiving the ſaid toll or duty, and all

remove and appoint others.

ſuch

ſuch ſurveyor or ſurveyors as aforeſaid ſhall upon oath (if thereto required) by the truſtees, or any five or more of them, or before one or more juſtice or juſtices of the peace reſiding near the highways or roads aforeſaid, which oath the ſaid truſtees, or any five or more of them, or ſuch juſtice and juſtices is and are hereby impowered and required to adminiſter, on the firſt Tueſday in every month, or oftner (if required) during the continuance of this act, give in a true, exact, and perfect account in writing under their reſpective hands of all moneys, which he and they, and every or any of them, ſhall to ſuch time have received, paid, and diſburſed by virtue of this act, by reaſon of their reſpective offices; for which oath no fee or reward ſhall be taken; and in caſe any money ſo received ſhall remain in their or any of their hands, the ſame ſhall be paid to the ſaid truſtees, or any five or more of them, or to ſuch perſon or perſons as the ſaid truſtees, or any five or more of them (as are qualified to act) ſhall by any writing or writings under their hands and ſeals authorize and impower to receive the ſame which ſhall be diſburſed and laid out in amending the ſaid highways or roads; according to the true intent and meaning of this act, and not otherwiſe; and the ſaid truſtees, or any five or more of them, to whom ſuch account ſhall be given, ſhall and may out of the money ariſing by the ſaid toll or duty, make ſuch allowances to the ſaid receiver or receivers, collector or collectors, and the ſurveyor or ſurveyors, for and in conſideration of his and their care and pains reſpectively taken in the execution of his and their office and offices, and to ſuch other perſon or perſons, who ſhall have been or ſhall be aſſiſting in and about procuring the ſaid highways and roads to be amended and repaired by advancing or laying out any moneys, or otherwiſe relating thereunto, as to them ſhall ſeem good; ſo as ſuch allowance or allowances to ſuch collector or collectors do not annually exceed in the whole the ſum of thirty pounds, and to ſuch ſurveyor or ſurveyors the ſum of three ſhillings *per diem*, during ſuch time or times as he or they ſhall be reſpectively employed in the repair of the ſaid roads; and ſo as ſuch allowance or allowances to any other perſon or perſons, who ſhall be employed by virtue of this act, do not exceed the ſum of fifteen pounds yearly to each perſon; and in caſe the ſaid receiver or receivers, collector or collectors, of the aforeſaid toll and duty, or any of them, ſhall not make ſuch account and payment unto ſuch perſon and perſons according to the orders and directions of the ſaid truſtees, or any five or more of them as aforeſaid, that then the ſaid juſtices of the peace at any ſpecial ſeſſions or meeting of them, to be holden for the county in which the ſaid

Account in writing, on oath if required, 1ſt Tueſday monthly, or oftner,

and any ſurplus paid to truſtees, &c. and laid out on the road.

Allowance to receivers, not above 30*l.* yearly in the whole,

to ſurveyors 3*s. per diem.*

to others employed, 15*l.* each yearly.

On default of account and payment, juſtices at ſpecial ſeſſions ſhall inquire, and commit offenders.

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ſaid receiver or receivers, collector or collectors have acted or been employed, and make ſuch default as aforeſaid, ſhall make inquiry of, and concerning ſuch default as well by confeſſion of the ſaid parties themſelves, as by the teſtimony of one or more credible witneſs or witneſſes upon oath, which oath they are hereby impowered and required to adminiſter without fee or reward; and if any perſon or perſons ſhall be convicted thereof by ſuch juſtices, the ſaid juſtices ſhall upon conviction commit the party or parties to the common goal of the county, where ſuch offence ſhall be committed, there to remain without bail or mainprize untill he or they ſhall have made a true and perfect account and payment as aforeſaid.

Surveyors, &c. may raiſe materials in neighbouring waſte or common, without paying,

VI. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid ſurveyor or ſurveyors, and ſuch perſon or perſons as he or they ſhall appoint, to digg, raiſe, gather, take, and carry away any gravel, furze, ſand, ſtones, or other materials out of any waſte or common of any pariſh, town, village or hamlet, in or near which any founderous or ruinous places of the ſaid highways or roads do lie, and for want of ſufficient gravel, furze, ſand, ſtones, or other materials there, to digg, raiſe, gather, take, and carry away the ſame out of the waſte or common of any neighbouring pariſh, town, village, or hamlet, without paying any thing for the ſame; and where there is not ſufficient of ſuch materials in any common or waſte grounds near adjoyning, it ſhall and may be lawful for them by order of the ſaid truſtees, or any five or more of them, to digg, raiſe, and gather the ſame in the ſeveral grounds of any perſon or perſons, not being a houſe, garden, orchard, yard, or meadow, planted walk or walks, or avenue to a houſe, where any ſuch materials are or may be found, and from time to time to carry away ſuch and ſo much thereof as the ſaid ſurveyor or ſurveyors in their reſpective places ſhall adjudge neceſſary for the repairing and amending the ſaid highways or roads; paying ſuch rate for ſuch materials, and for the damage to the owner or occupier of the ground, from whence the ſame ſhall be digged, raiſed, gathered, and carried away, as the truſtees appointed or to be appointed to put this act in execution, or any five or more of them, ſhall adjudge reaſonable; and in caſe of any difference between ſuch owner or occupier and the ſaid truſtees touching the value of the materials and damage aforeſaid, the judges of aſſize, or the juſtices of the peace at the next general aſſizes and general goal-delivery or quarter-ſeſſions, to be holden in the county where ſuch materials ſhall be digged, raiſed, or gathered, and from whence the ſame

and, if not ſufficient, may by order of 5 truſtees dig in any perſon's grounds, not a houſe, garden, &c.

11 G. 2. 17. *may dig in potatoe gardens.*

making reaſonable ſatisfaction,

differences determined at aſſizes or ſeſſions.

ſame ſhall be carried away, may and ſhall adjudge, aſſeſs, and finally determine the ſame.

VII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſurveyor or ſurveyors, and ſuch perſon or perſons as he or they ſhall appoint, from time to time, to remove and prevent annoyances on any part of the ſaid highways or roads hereby intended to be repaired by removing any filth, dung, aſhes, rubbiſh, water-courſes, ſinks, or drains running into the ſaid highways or roads, and by cleanſing any ditch or water-courſes adjoyning to the ſaid roads, or by cutting down, lopping, or topping any trees or buſhes growing in the ſaid highways, or in the hedges or banks adjacent to the ſaid highways, and to take and carry away the ſame; the owners or occupiers neglecting to cut down ſuch trees or buſhes, or to remove ſuch other annoyances for the ſpace of ten days after notice in writing given for that purpoſe under the hands of five of the ſaid truſtees, the charges whereof ſhall be reimburſed the ſaid ſurveyor or ſurveyors, by ſuch owners or occupiers neglecting to cut down the ſaid trees or buſhes, or remove ſuch other annoyances as aforeſaid; and if after removal of any ſuch annoyances any perſon or perſons ſhall again offend in the like kind, every ſuch perſon or perſons ſo offending, and being thereof convicted upon oath before one or more juſtice or juſtices of the peace for the ſaid county where ſuch offence ſhall be committed, ſhall for every ſuch offence forfeit and pay unto the ſaid truſtees the ſum of ten ſhillings, to be levied in manner aforeſaid.

Surveyors, &c. may remove annoyances on neglect of owner 10 days after notice in writing by 5 truſtees,

charges reimburſed by owner.

Offenders after removal, on conviction before a juſtice forfeit 10 s. to truſtees.

VIII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid ſurveyor or ſurveyors by order of the ſaid truſtees, or any five or more of them, to make or cauſe to be made cauſeways, and to cut and make drains, through any ground lying contiguous to the ſaid roads, and to erect arches of brick, timber, or ſtone thereupon; and alſo to widen any of the narrow parts of the ſaid highways or roads by opening, clearing, and laying into the ſaid highways or roads any grounds of any perſon or perſons lying contiguous to ſuch highways or roads, not being a houſe, garden, orchard, planted walk, or avenue to a houſe; and alſo to cauſe ditches or trenches to be made in ſuch places and in ſuch manner as ſuch ſurveyor or ſurveyors by order of the ſaid truſtees, or any five or more of them, ſhall adjudge neceſſary for the better amending and keeping the ſaid highways or roads in good repair; making ſuch reaſonable ſatisfaction to the owner or occupier of ſuch ground, which ſhall be ſo laid in or unto the ſaid highways

Surveyors by order of 5 truſtees may make cauſeways, drains, and arches, in grounds contiguous,

and widen the road, by opening ground, not a garden, &c.

and make trenches;

reaſonable ſatisfaction to owner,

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highways or roads through which any ſuch drain or drains ſhall be cut, or on which any ſuch arch or arches ſhall be made, for the damage which he or they ſhall or may thereby ſuſtain, as ſhall be aſſeſſed and adjudged by the next going judge or judges of aſſize, or the juſtices of the peace, or the major part of them, at the next general aſſizes or quarter-ſeſſions to be holden for the county in which ſuch ground ſhall be laid into the ſaid highways or roads, or through which any ſuch drain or drains, ditch or ditches, ſhall be cut or made, or on which ſuch arch or arches ſhall be erected or made, or ſuch cauſeways made, in caſe of any difference concerning the ſame; and if any owner or occupier of any water-courſe, ditch or ditches, adjoyning to the ſaid highways or roads ſhall neglect or refuſe to ſcour or cleanſe ſuch water-courſe, and to make ſuch ditches ſo deep, and in ſuch manner, as the ſurveyor or ſurveyors ſhall judge proper and convenient, after ten days notice ſhall be given for that purpoſe by ſuch ſurveyor or ſurveyors to be appointed, or ſuch perſon or perſons as ſhall be appointed, by him or them, to ſuch owner or owners, it ſhall and may be lawful to and for the ſurveyor or ſurveyors to ſet any man or men to work to ſcour, cleanſe, and make the ſame, and by warrant from any five or more of the ſaid truſtees to levy the charges thereof upon the perſons, goods, or eſtates of the owner or owners, occupier or occupiers, of ſuch water-courſe, ditch or ditches, by diſtreſs and ſale of his, her, and their goods and chattles, rendring the overplus (if any be) to the ſaid owner or occupier after all charges paid.

difference ſettled at aſſizes or ſeſſions.

Surveyors, &c. may cleanſe water-courſes and ditches, on neglect of Owner after 10 days notice, 23 G. 2. 16.

and by warrant of 5 truſtees levy the charge.

IX. And foraſmuch as the money to be collected by ſuch receipt of the ſaid toll will not be ſufficient for the ſpeedy repairing the ſaid highways and roads: be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any fifteen or more of them, ſhall, and may, and are hereby impowered from time to time by writing under their reſpective hands and ſeals to aſſign over the ſaid toll or duty hereby granted, or any part thereof, the coſts and charges whereof to be born and paid out of ſuch toll or duty, for any term or time during the continuance of this act, as a ſecurity for any ſum or ſums of money by them to be borrowed for that purpoſe, to ſuch perſon or perſons, or their truſtees, who ſhall advance and lend the ſame, to ſecure the repayment thereof with lawful intereſt, or leſs, if the ſame can be ſo had; which ſaid money borrowed ſhall be applied and diſpoſed of, as the ſaid toll or duty ſhould have been applied and diſpoſed of by this act, and to no other uſe, intent, or purpoſe whatſoever.

15 truſtees may aſſign the toll as ſecurity for money borrowed for ſpeedy repair of the road.

X. Provided always, That in caſe there ſhall be more than one gate or turnpike in, croſs, or on the ſide of the ſaid high-

Perſons delivering ticket of payment at

ways

ways or roads between the ſaid town of Naas and the ſaid town of Maryborough, no perſon or perſons having paid the toll or duty at the firſt gate or turnpike, through which ſuch perſon or perſons ſhall paſs, and producing a note or ticket that the ſaid toll or duty was paid, which note or ticket the receiver or receivers, collector or collectors, is and are hereby required to give gratis, ſhall be liable to pay any toll or duty at any other of the ſaid gates or turnpikes upon or on the ſide of the ſaid highways or roads, ſuch perſon or perſons delivering the ſaid note or ticket to the ſaid receiver or receivers, collector or collectors, of the ſaid toll or duty at the latter gate or turnpike the ſame day; and no perſon or perſons having occaſion to paſs the place or places, where the toll or duty is taken, and who ſhall return the ſame day upon or with the ſame horſe, mare, gelding, aſs, mule, cattle, coach, berlin, chariot, chaiſe, chair, calaſh, waggon, cart, carr, or other carriage, ſhall be lyable or compellable the ſame day to pay the ſaid toll or duty more than once on the ſaid road.

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one gate, not liable to pay at another,

nor returning the ſame day on ſame horſe or carriage.

XI. And for preventing frauds and abuſes in the ſaid toll or duty; be it enacted by the authority aforeſaid, That if any perſon or perſons having paid the toll or duty by this act granted and made payable, and having ſuch note or ticket, notes or tickets, as hereby directed, ſhall give or diſpoſe of the ſame to any other perſon or perſons in order to avoid the payment of the ſaid toll or duty, every ſuch perſon giving, diſpoſing, or offering, and the perſon receiving ſuch note or ticket, notes or tickets, and being thereof convicted upon oath before the ſaid truſtees, or any five or more of them, or before any one or more juſtice or juſtices of the peace for the county wherein ſuch offence or offences ſhall be committed, which oath the ſaid truſtees or the ſaid juſtice or juſtices are hereby impowered and required to adminiſter, ſhall reſpectively forfeit and pay the ſum of ten ſhillings; to be levied, recovered, and diſpoſed of, as any other penalty or forfeiture is directed to be levied, recovered, and diſpoſed of by this act.

Giver and receiver of a ticket to avoid toll forfeit 10 s. reſpectively.

XII. Provided always, and it is hereby declared, That during the continuance of this act all coaches and paſſengers on horſeback ſhall paſs and repaſs toll-free on the day or days, on which there ſhall be an election for knight or knights of the ſhire to ſerve in Parliament for the ſaid counties of Kildare and Queen's-County, or for any burgeſs to ſerve in Parliament for any borough in the ſaid counties reſpectively; any thing herein contained to the contrary notwithſtanding.

Toll free on election days for Kildare and Queen's county, &c.

XIII. And be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any five or more of them, may and are hereby

Any five may compound, for any ſum, payable quarterly. 23 *G.* 2. 16.

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hereby impowered from time to time, as they ſhall ſee convenient or think fit, to compound or agree by the year or otherwiſe with any perſon or perſons uſing to travel through the turnpike or turnpikes, to be erected in purſuance of this act, with any milch cows, horſe, mare, or gelding, aſs or mule, or with any coach, berlin, calaſh, chaiſe, chair, waggon, cart, car, or other carriage, for any ſum or ſums of money, to be paid quarterly from time to time after ſuch agreement ſhall be made.

Perſons exempt from toll:

XIV. Provided alſo, and it is hereby declared, that no perſon ſhall be charged with any of the tolls or duties aforeſaid, who ſhall paſs through any of the turnpikes to be erected by this act, who ſhall carry any quantities of ſtones, gravel, or other materials for repairing of the ſaid roads, or any of the roads in the pariſhes in which the ſame do lye, or in any of the nighbouring pariſhes; nor ſhall any perſon or perſons be chargeable with the ſaid toll or duty for any carts, carrs, or waggons loaded with corn in the ſtraw only; nor for any ploughs, harrows, or other implements of huſbandry in order to the uſing and repairing the ſame in the ſeveral pariſhes, in which the ſaid highways or roads hereby intended to be repaired do lye; nor ſhall any toll or duty be demanded or taken at any of the turnpikes to be erected for any horſe, mare, gelding, aſs, or mule, or other cattle going to water, or for any poſt-horſe carrying the mail or packet, or for ſuch horſe as is or ſhall be uſed only to ride on by the owner or driver of any waggon, cart, or carriage; provided ſuch horſe paſs through the ſaid turnpike or turnpikes with ſuch waggon, cart, or carriage; nor ſhall any toll or duty be demanded or taken for the horſes of ſoldiers paſſing, that are upon their march, or for waggons, carts, carrs, or other carriages attending them, or for horſes, waggons, carts, carrs, or other carriages travelling with vagrants ſent by paſſes, or with priſoners tranſmitted from one part of the kingdom to another.

7 G. 2. 17. cars with turf.

19 G. 2. 20. with hay and corn unthreſhed.

Continuance 21 years from 10 March 1731.

XV. And be it further enacted by the authority aforeſaid, That the ſaid toll and duty hereby granted ſhall take place, and have continuance, only from and after the tenth day of March in the year of our Lord God one thouſand ſeven hundred and thirty one for and during the term of twenty one years.

7 G. 2. 17. continued 22 years, &c. except as altered; which act is further continued (except as altered) 41 years, &c. by 19 G. 2. 20. unleſs before the road adjudged by majority of truſtees, un-

XVI. Provided nevertheleſs, That if at any time before the expiration of the ſaid term of twenty one years all parts of the ſaid road ſhall be ſufficiently amended and repaired, and ſo adjudged by the majority of the truſtees, appointed or hereafter to be choſen by virtue of this act, by an adjudication under their hands and ſeals, that then from and after ſuch adjudication made, and re-payment of ſuch money as ſhall have been advanced

vanced or borrowed, with intereſt for the ſame, and the coſts and charges thereof, the tolls and duties ſhall ceaſe and determine; any thing herein contained to the contrary notwithſtanding. A. D. 1731. Chap. 21.

XVII. And be it further enacted by the authority aforeſaid, That for the continuing of a ſufficient number of fit and able perſons to be truſtees for putting in execution all and every the powers in this act contained for and during the continuance thereof it ſhall and may be lawful to and for the ſaid truſtees; or any five or more of them, upon the death of any of the ſaid truſtees, or any of their removal, or refuſing to act in the ſaid truſt, from time to time, and at all times hereafter during the term aforeſaid, by any writing or writings under their hands and ſeals to elect, nominate, and appoint, in the room of ſuch truſtee or truſtees ſo deceaſed, removed, or refuſing to act, ſo many more fit and able perſons, living in the ſaid counties of Kildare and Queen's-county, to be joyned with the ſaid truſtees in the execution of all and every the power and powers in them repoſed by virtue of this act; and all and every perſon or perſons, ſo to be choſen truſtee or truſtees to joyn in putting this act in execution, as they are herein before qualified to do, ſhall, and may, and are hereby impowered to act to all intents and purpoſes, in as full, large, and ample manner, as they the ſaid truſtees are by this act impowered to do, and ſo *toties quoties* as often as occaſion ſhall be or require.

der hand and ſeal ſufficiently repaired.

Any five on death, removal, or refuſing to act, may elect others living in ſaid counties.

XVIII. And be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any twenty one or more of them, ſhall meet at the bridge of Moneſtereven in county of Kildare on the ſecond Wedneſday in the month of March in the year of our Lord one thouſand ſeven hundred and thirty one; and the ſaid truſtees ſhall then adjourn themſelves, and afterwards meet there, or at any other place or places near the ſaid highways or roads to be repaired, as the ſaid truſtees, or any five or more of them, ſhall think proper or convenient, as often as it ſhall be neceſſary for the putting this act in execution; and if it ſhall happen, that there ſhall not appear at any meeting, which ſhall be appointed to be had or held by the ſaid truſtees, a ſufficient number of truſtees to act at ſuch meeting and to adjourn to any other day, then and in ſuch caſe the clerk to the ſaid truſtees by notice in writing, to be affixed at the reſpective gates or turnpikes at leaſt ten days before the next meeting, ſhall appoint the ſaid truſtees to meet at the houſe, where the meeting of the ſaid truſtees was laſt appointed to be held, or at ſome other convenient houſe near the ſaid roads, on the day fortnight next after

21 truſtees to meet at Monaſtereven Bridge,

adjourn and meet near ſaid road, as often as neceſſary,

if not ſufficient number; the clerk fixing notice at the turnpikes, 10 days before, ſhall appoint meeting a fortnight after.

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after the day on which ſuch laſt meeting of the ſaid truſtees was appointed to have been held; and that the ſaid truſtees at their firſt meeting and at all other ſubſequent meetings ſhall defray their own charges and expences.

Truſtees at meeting defray their charges.

XIX. Provided always, and be it further enacted by the authority aforeſaid, That no perſon or perſons, appointed or to be appointed by this act a truſtee or truſtees for putting this act in execution, ſhall have or accept of any place of profit ariſing out of, or by reaſon of the toll or duty by this act laid or granted; but ſuch perſon or perſons ſhall be incapable from the time of accepting and continuing to enjoy ſuch place of profit, of acting as a truſtee.

None having place of profit out of the toll ſhall be truſtee.

XX. And be it further enacted by the authority aforeſaid, That if any ſuit ſhall be commenced againſt any perſon or perſons for any thing done in purſuance of this act, in every ſuch caſe the action ſhall be laid in the ſaid county of Kildare or Queen's County, and not elſewhere; and the defendant or defendants in ſuch action or actions to be brought may plead the general iſſue, and give this act and the ſpecial matter in evidence at any tryal to be had thereupon, and that the ſame was done in purſuance and by the authority of this act; and if it ſhall appear ſo to be done, or that ſuch action or actions ſhall be brought in any other county, that then the jury ſhall find for the defendant or defendants; and upon ſuch verdict, or if the plaintiff ſhall be nonſuited, or diſcontinue his action after the defendant or defendants ſhall have appeared, or if on any demurrer judgment ſhall be given againſt the plaintiff, the defendant or defendants ſhall and may recover treble coſts, and have the like remedy for the ſame, as any defendant or defendants hath or have in any other caſes by law.

Suits laid in ſaid counties, defendants may plead general iſſue, &c. and have treble coſts on nonſuit, &c.

XXI. And be it further enacted by the authority aforeſaid, That this act ſhall be deemed, adjudged, and taken to be a publick act, and be judicially taken notice of as ſuch by all judges, juſtices, and other perſons whatſoever, without ſpecially pleading the ſame.

A publick act.

CHAP.

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CHAP. XXII.

An act for repairing the road leading from the town of New-Caſtle in the county of Lymerick to the city of Lymerick, and from thence to the city of Cork.

WHEREAS the highway or road leading from the town of New-Caſtle in the county of Lymerick through the towns of Rathkeal and Adair in the ſaid county to the city of Lymerick, and from thence through the towns of Bruff and Kilmallock in the ſaid county of Lymerick, and from thence through the towns of Ballyhawra, Mallow, and White-Church in the county of Cork, and from thence to the ſaid city of Cork, by reaſon of ſeveral hollow ways, and of the many and heavy carriages frequently paſſing through the ſame, are become ſo ruinous and bad, that in winter ſeaſon many parts thereof are impaſſable for waggons, carts, cars, and carriages, and very dangerous for travellers, and cannot by the ordinary courſe appointed by the laws and ſtatutes of this realm be effectually mended and kept in good repair: wherefore, and to the intent that the ſaid highways or roads may with convenient ſpeed be effectually amended, and hereafter kept in good and ſufficient repair, ſo that all perſons may travel through the ſame with ſafety; be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled and by the authority of the ſame, That for the better ſurveying, ordering, amending, and keeping in repair the ſaid highways or roads, it ſhall be in the power of the right honourable Richard earl of Cork and Burlington, the right honourable James earl of Barrymore, the right honourable William earl of Inchequin, the right honourable John earl of Orrery, the right honourable Richard lord viſcount Shannon, the right honourable Arthur lord viſcount Donerayle, the right honourable Allen lord viſcount Middleton, the right honourable Charles lord viſcount Fane, the right honourable John lord viſcount Percival, Peter lord biſhop of Cork, William lord biſhop of Lymerick, Henry lord biſhop of Cloyne, the right honourable James lord baron of Kingſton, the right honourable George lord baron of Carbery, the right honourable Thomas lord baron Southwell, the right honourable Sir Ralph Gore baronet, the right honourable James Tynte eſquire, Sir Standiſh Hartſtonge baronet, Sir Mathew Dean baronet, the honourable Henry Boyle, Eyre Evans, the honour-

19 G. 2. 19. *amended.*

Not to be repaired by ordinary courſe.

Truſtees for repair thereof. 23 G. 2. 16. *may ſue, &c. as if incorporated, and muſt have* 50 *l. per ann. freehold, or* 1000 *l.*

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honourable Thomas Butler, the honourable Henry Southwell, the honourable Hayes St. Leger, and Hugh Dixon eſquires, the mayor of Cork for the time being, the mayor of Lymerick for the time being, Anthony Jephſon, Courthrope Clayton, Bartholomew Purdon, John Lyſaght, William Maynard, Richard Aldworth, Eaton Stannard, Bellingham Boyle, Richard Betteſworth, Jonas Morris, William Nuhenham, William Freeman, Nicholas Colthruſt, John Colthruſt, Price Hartſtonge, Charles Smith, Robert Oliver, William Blakeney, Berkeley Taylor, Edward Taylor, John Waller, Henry Roſe, William Bury, John Croker, Edward Croker, William Harriſon, William Wilſon, Philip Rawſon, Robert Blakeney, Robert Coote, Hugh Maſſey, Colthruſt Langton, Francis Drew, Standiſh Grady, William Apjohn, John Upton, Samuel Maunſell, Connell Vereker, Richard Burgh, Noblet Dunſcomb, Robert Betteſworth, Ralph Weſtrop, John Love, Henry Wallis, Nicholas Chinnery, Henry Wrixon, John Lumley, Robert Longfield, John Welſtead, Jon Grove, Thomas Holmes Pomeroy, William Caufabon, Richard Newman, John Copley, William Taylor, John Dillon, Thomas Evans, Chriſtopher Rogers, Denis Mc. Carthy, Peter Smith, Abraham Deviſcher, John Raymond, Valentine Quin, Richard Maunſell, Arthur Blennerhaſſet, Richard Villars, Richard Ponſonby, George Roch, Nicholas Weekes, Daniel Webb, Nicholas Lyſaght, Charles Butler, Henry Green, and Thomas Grady eſquires, captain Daniel Webb, Jonas Devanſhire, the reverend dean Smith, the reverend dean Jonathan Bruce, the reverend dean Bindon, the reverend Francis Gore clerk, the reverend Robert Caſhin clerk, the reverend George Chinnery clerk, the reverend Thomas Loyde clerk, the reverend Nicholas Quaytrod clerk, the reverend Thomas Widenham clerk, the reverend John Bunbury clerk, the reverend George Roch clerk, John Walkins, Arthur Gethin, Percy Gethin, John Baſtable, John Freeman, Simon Davis, Thomas Gibbins, Chriſtopher Farbery, John Harper gentlemen, alderman Edmond Knapp, alderman John Askins, alderman Edward Hore, alderman Joſeph Auſtin, Auguſtus Carree gentlemen, alderman Hugh Miller, James Percy, Edward Trevers gentlemen, alderman John Vincent, alderman —— Holland, James Godſell, James Knight, Robert Holmes, Thomas Holmes, Thomas Chinnery, Joſeph Gubbins, Francis Creed, Edward Creed, John Creed, Edward Thornhill, John Norcot, Edward Norcot, and William Norcot gentlemen, Southwell Pigot, Samuel Bindon, David Bindon, George Roſe, William Monſell, Henry Quin, Robert Loyd, Rice Blennerhaſſett, Richard Naſh, Kilner Brazier, Vere Royſe, Arthur Vincent, Richard Roch, Anthony Parker, Francis Burton, John

John Southwell, George Green, Anthony Copley, Robert Powell, Maurice Wall, Francis Sergint, Alexander Eliott, the reverend Thomas Rider clerk; Thomas Grady, William Charters, Thomas Burgh, Francis Hodder, Thomas Wade, Charles Butler, John Smith, Henry Knight, Thomas Dean, Thomas Moore, Thomas Wallis, Edward Thornhill, Francis Auſtin, William Baldwin, George Forebery, Edward Upton, William Maſſey eſquires, who are hereby nominated and appointed truſtees of the ſaid roads, and the ſurvivors of them, that they, or any five or more of them, or ſuch perſon or perſons as they, or any five or more of them, ſhall authorize and appoint, ſhall and may erect, or cauſe to be erected, one or more gate or gates, turnpike or turnpikes, in, upon, or acroſs any part or parts of the ſaid highways or roads; and alſo a toll-houſe or toll-houſes, and there ſhall receive and take the tolls and duties following before any horſe, mare, gelding, aſs, or mule, cattle, coach, Berlin, chariot, calaſh, chaiſe, chair, waggon, wain, cart, car, or other carriage, ſhall be permitted to paſs through the ſame, *viz.* for every coach, Berlin, chariot, calaſh, chaiſe, or chair drawn by ſix horſes or more the ſum of one ſhilling; and for every coach, Berlin, chariot, calaſh, chaiſe, or chair drawn by any leſs number of horſes than ſix, and more than two, the ſum of ſix pence; and for every coach, Berlin, chariot, calaſh, chaiſe, or chair, drawn by two horſes, or one only, the ſum of three pence; for every waggon, wain, cart, carr, or other carriage with four wheels the ſum of one ſhilling; for every wain, cart, carr, or carriage with two wheels, having more than one horſe, mare, gelding, aſs, or mule, the ſum of three pence; for every carr or other carriage having but one horſe, mare, gelding, aſs, or mule, the ſum of one penny; for every horſe, mare, gelding, aſs, or mule, whereon one or more perſons ſhall ride, one penny; for every horſe, mare, gelding, mule, or aſs, laden or unladen, and not drawing, nor having any perſon riding thereon, one halfpenny; for every drove of oxen or neat cattle the ſum of ten pence *per* ſcore, and ſo in proportion for any greater or leſſer number; for every drove of calves, hogs, ſheep, or lambs, the ſum of five pence *per* ſcore, and ſo in proportion for any greater or leſſer number; which ſaid reſpective ſum and ſums of money ſhall be demanded and taken in the name of or as a toll or duty; and the money ſo to be raiſed as aforeſaid is and ſhall hereby be veſted in the ſaid truſtees, and the ſame and every part thereof ſhall be paid, applied, diſpoſed of, and aſſigned to and for the ſeveral uſes, intents, and purpoſes, and in ſuch manner, as is herein after mentioned and directed; and the ſaid truſtees, or any five or more of them, are hereby impowered by them-

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Any 5 may erect gates, turnpikes, and toll-houſes,

and take toll before any horſe or carriage paſs through.

The toll.

19 *G.* 2. 19. *altered.*

The money raiſed veſted in truſtees;

any five may on non-payment levy by diſtreſs,

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themſelves, or any perſon or perſons by them, or any five or more of them, under their hands and ſeals thereunto authorized, to levy the toll or duty hereby required to be paid upon any perſon or perſons, who ſhall after demand made thereof neglect or refuſe to pay the ſame, by diſtreſs of any horſe or horſes, or other cattle or goods, upon which ſuch toll or duty is by this act impoſed, or upon any other of the goods and chattles of ſuch perſon and perſons who ought to pay the ſame, and may detain and keep the ſame, until ſuch toll or duty with the reaſonable charges of ſuch diſtraining or keeping ſhall be paid; and it ſhall and may be lawful to and for ſuch perſon or perſons ſo diſtraining after the ſpace of five days after ſuch diſtreſs made and taken to ſell the goods ſo diſtrained, returning the overplus (if any be) upon demand to the owner thereof, after ſuch toll, duty, and reaſonable coſts and charges for diſtraining and keeping the ſame ſhall be deducted and paid.

and ſell after 5 days.

The toll after charges paid, applied to repair the ſeveral parts of ſaid road where collected.

II. And be it further enacted by the authority aforeſaid, That out of the firſt money ariſing from the profits of the ſeveral turnpikes ſo to be erected the ſaid truſtees, or any five or more of them, ſhall firſt pay and diſcharge the expence of procuring this act of Parliament, and of erecting ſuch turnpike or turnpikes, or building ſuch toll-houſe or toll-houſes; and from and after ſuch charges and expences ſhall be fully ſatisfied and paid, that then and from thenceforth the profits ariſing, and the toll to be gathered and collected at any turnpike or turnpikes to be erected and ſet up on the ſaid road leading from the town of New-caſtle in the county of Limerick, and from thence to the city of Cork, ſhall be, for ſo much thereof as ariſes and is collected on the ſaid road leading from the town of Newcaſtle to the city of Limerick, applied for and towards the repair of the ſaid road leading from the ſaid town of New-caſtle to the city of Limerick, and towards the payment of the ſalaries to the collector, ſurveyor, and other perſons ſtationed or employed thereon, and not elſewhere; and that ſo much as ariſes and is collected at any turnpike or turnpikes to be erected on the ſaid road leading from the city of Lymerick to the city Cork, for ſo much thereof as ſhall be collected within the county of Limerick or county of the city of Limerick, ſhall be applied for and towards amending and repairing that part of the ſaid road only, which lies within the county or county of the city of Lymerick: (that is to ſay) from the ſaid city of Limerick to Ardskeagh bridge, and not elſewhere; and, for ſo much thereof as ſhall be collected within the county of Cork or county of the city of Cork, ſhall be applied for and towards repairing and amending that part of the road only, which lies within the

county

county or county of the city of Cork: (that is to ſay) from Ard-ſkeagh-bridge aforeſaid to the city of Cork, and not elſewhere; any thing in this act to the contrary notwithſtanding. A. D. 1731. Chap. 22

Owners of land near turnpikes permitting paſſage, to avoid toll,

III. And be it further enacted by the authority aforeſaid, That if any perſon or perſons whatſoever owning, renting, or occupying any land near unto any turnpike to be erected in purſuance of this act, ſhall for gain, reward, or otherwiſe, wittingly or willingly permit any perſon or perſons whatſoever to paſs through any gate, paſſage, or way, with any coach, Berlin, chariot, calaſh, chaiſe, or chair, waggon, wain, cart, carr, or carriage, or riding, or driving any horſe, aſs, or mule, or any ſort of cattle, to avoid the payment of the ſaid toll hereby appointed to be paid, and be thereof convicted upon oath before the ſaid truſtees, or any five or more of them, or before any one or more juſtice or juſtices of the peace for the county where ſuch offence or offences ſhall be committed, who are hereby required and impowered to adminiſter ſuch oath, every perſon ſo offending ſhall forfeit and pay to the truſtees authorized to put this act in execution the ſum of ten ſhillings; to be levied by diſtreſs and ſale of the offenders goods by warrant under the hand and ſeal or under the hands and ſeals of the ſaid truſtees, or any five or more of them, or ſuch juſtice or juſtices, rendring the overplus to the owner (if any be) the charges in taking and diſpoſing of the ſaid goods being firſt deducted.

penalty 10 s. to truſtees.

Gates, &c. may be erected on the ſide, croſs any way leading out of ſaid road,

and toll collected, ſo as no double charge.

IV. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid truſtees, or any five or more of them, to erect one or more gate or gates, turnpike or turnpikes, on the ſide of the ſaid highways or roads croſs any lane or way leading out of the ſaid road, and to build one or more toll-houſe or toll-houſes, and there to receive and take ſuch toll as is appointed by this act to be taken, ſo as the ſame do not extend to a double charge in caſe of paſſing through any other of the turnpikes, to be erected by virtue of this act between the ſaid town of New-Caſtle in the county of Lymerick and city of Cork.

15 truſtees at meeting may appoint receivers and ſurveyors,

V. And be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any fifteen or more of them, at their firſt meeting or any ſucceeding meeting by writing under their hands and ſeals ſhall and may elect, nominate, and appoint, one or more fit perſon or perſons to be receiver or receivers, collector or collectors, of ſuch money in the name of ſuch toll or duty, as ſhall be due and payable by virtue of this act; and alſo one or more fit perſon or perſons to be ſurveyor or ſurveyors to ſee the condition of the ſaid highway or road, and to ſee that the ſame

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same be repaired and amended, and that the money arising and expended by virtue of this act be duly applied, and from time to time to remove such collectors, receivers, and surveyors, or any or either of them, as they shall see occasion, and appoint new ones in case of death or of such removal; and such person or persons, as is or are by this act liable to pay the said toll or duty, is and are hereby required to pay the same after the rates aforesaid to the said receiver or receivers, collector or collectors, of the said toll and duty in that behalf from time to time appointed as aforesaid; and the person or persons so appointed as aforesaid for receiving the said toll or duty, and all such surveyor and surveyors as aforesaid, shall upon oath, (if thereunto required) by the trustees, or any five or more of them, or before one or more justice or justices of the peace residing near the highway or road aforesaid (which oath the said trustees, or any five or more of them, or such justice or justices is and are hereby impowered and required to administer) on the first Tuesday in every month, or oftner if required, during the continuance of this act give in a true, exact, and perfect account in writing under their respective hands of all moneys, which he and they, and every or any of them, shall to such time have received, paid, and disbursed by virtue of this act by reason of their respective offices, for which oath no fee or reward shall be taken; and in case any money so received shall remain in their or any of their hands, the same shall be paid to the said trustees, or any five or more of them, or to such person or persons as the said trustees, or any five or more of them (as they are qualified to act) shall by any writing or writings under their hands and seals authorize and impower to receive the same; which shall be disbursed and laid out in amending the said highway or road according to the true intent and meaning of this act, and not otherwise; and the said trustees, or any five or more of them, to whom such account shall be given, shall and may out of the money arising by the said toll or duty make such allowance to the said receiver or receivers, collector or collectors, and the surveyor or surveyors, for and in consideration of his and their care and pains respectively taken in the execution of his and their office and offices, and to such other person or persons, who have been or shall be assisting in and about procuring the said highways and roads to be amended and repaired by advancing or laying out any moneys, or otherwise relating thereunto, as to them shall seem good, so as such allowance or allowances to such collector or collectors do not annually exceed in the whole the sum of thirty pounds, and to such surveyor or surveyors

remove and appoint others.

Account in writing, on oath, if required, first Tuesday monthly, or oftner.

and any surplus, paid to trustees, &c. and laid out on said road.

Allowance to receivers, not above 30l. yearly in the whole,

surveyors the sum of three shillings *per diem*, during such time or times as he or they shall be respectively employed in the repair of the said roads; and so as such allowance or allowances to any other person or persons, who shall be employed by virtue of this act, do not exceed the sum of fifteen pounds yearly to each person: and in case the said receiver or receivers, collector or collectors, of the said toll and duty, or any of them, shall not make such account and payment unto such person and persons according to the orders and directions of the said trustees, or any five or more of them, as aforesaid, that then the said justices of the peace at any special sessions or meeting of them to be holden for the county, in which the said receiver or receivers, collector or collectors, have acted or been employed, and made such default as aforesaid, shall make inquiry of and concerning such default as well by confession of the said parties themselves, as by the testimony of one or more credible witness or witnesses upon oath, which oath they are hereby impowered and required to administer without fee or reward; and if any person or persons shall be convicted thereof by such justices, the said justices shall upon such conviction commit the party or parties to the common goal of the county, where such offence shall be committed, there to remain without bail or mainprize until he or they shall have made a true and perfect account and payment as aforesaid.

to surveyors 3*s. per diem*, to others employed not above 15*l.* each, yearly.

On default of account and payment, justices at special sessions shall inquire,

and commit offenders.

VI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said surveyor or surveyors, and such person or persons as he or they shall appoint, to dig, raise, gather, take, and carry away, any gravel, furze, sand, stones, or other materials, out of any waste or common of any parish, town, village, or hamlet, in or near which any founderous or ruinous places of the said highways or roads do lye; and for want of sufficient gravel, furze, sand, stones, or other materials there to dig, gather, raise, take, and carry away the same out of the waste or common of any neighbouring parish, town, village, or hamlet, without paying any thing for the same; and where there is not sufficient of such materials in any commons or waste grounds near adjoyning, it shall and may be lawful for them by order of the said trustees, or any five or more of them, to dig, raise, and gather the same, in the several grounds of any person or persons, not being a garden, orchard, yard, or meadow, planted walk or walks, or avenue to a house, where any such materials are or may be found, and from time to time to carry away such and so much thereof, as the said surveyor or surveyors in their respective places shall adjudge

Surveyors, *&c.* may raise materials in any neighbouring waste or common, without paying,

and if not sufficient, in any persons grounds by order of 5 trustees, not being garden, *&c.*

11 *G.* 2. 17. *may dig in potatoe gardens.*

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judge neceſſary for the repairing and amending the ſaid highways or roads; paying ſuch rate for ſuch materials and for the damage to the owner or occupier of the ground from whence the ſame ſhall be digged, raiſed, gathered, and carried away, as the truſtees appointed or to be appointed to put this act in execution, or any five or more of them, ſhall adjudge reaſonable; and in caſe of any difference between ſuch owner or occupier and the ſaid truſtees touching the value of the materials and damage aforeſaid the judges of aſſize or the juſtices of the peace at the next general aſſizes and general goal-delivery or quarter-ſeſſions, to be holden in the county where ſuch materials ſhall be digged, raiſed, or gathered, and from whence the ſame ſhall be carried away, may and ſhall adjudge, aſſeſs, and finally determine the ſame.

reaſonable ſatisfaction to owner.

Difference ſettled at aſſizes or ſeſſions.

VII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid ſurveyor or ſurveyors, and ſuch perſon or perſons as he or they ſhall appoint, from time to time to remove and prevent annoyances on any part of the ſaid highways or roads hereby intended to be repaired, by removing any filth, dung, aſhes, rubbiſh, water-courſes, ſinks, or drains running into the ſaid highways or roads, and by cleanſing any ditch or water-courſes adjoyning to the ſaid roads, or by cutting down, lopping, or topping any trees or buſhes growing on the ſaid highways, or in the hedges or banks adjacent to the ſaid highways, and to take and carry away the ſame; (the owners or occupiers neglecting to cut down ſuch trees or buſhes, or to remove ſuch other annoyances for the ſpace of ten days after notice in writing given for that purpoſe under the hands of five of the ſaid truſtees) the charges whereof ſhall be reimburſed the ſaid ſurveyor or ſurveyors by ſuch owners or occupiers neglecting to cut down the ſaid trees or buſhes, or remove ſuch other annoyances as aforeſaid; and if after removal of any ſuch annoyances any perſon or perſons ſhall again offend in the like kind, every ſuch perſon or perſons ſo offending, and being thereof convicted upon oath before one or more juſtice or juſtices of the peace for the ſaid county where ſuch offence ſhall be committed, ſhall for every ſuch offence forfeit and pay unto the ſaid truſtees the ſum of ten ſhillings, to be levied in manner aforeſaid.

Surveyors, &c. may remove annoyances, on owner's neglect 10 days after notice in writing by 5 truſtees.

Owners to reimburſe the charge.

Offenders after removal, on conviction before a juſtice forfeit to truſtees 10s.

VIII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid ſurveyor or ſurveyors by order of the ſaid truſtees, or any five or more of them, to make or cauſe to be made cauſeways, and to cut and make drains through any ground lying contiguous to the ſaid roads, and to erect arches of brick, timber, or ſtone thereupon; and alſo to widen any of the narrow parts of the ſaid highways or roads

Surveyors by order of 5 truſtees may make cauſeways, drains, and arches in grounds contiguous,

roads by opening, clearing, and laying into the ſaid highways or roads any grounds of any perſon or perſons lying contiguous to ſuch highways or roads, not being a houſe, garden, orchard, planted walk, or avenue to a houſe; and alſo to cauſe ditches or trenches to be made in ſuch places and in ſuch manner, as ſuch ſurveyor or ſurveyors by order of the ſaid truſtees, or any five or more of them, ſhall adjudge neceſſary for the better amending and keeping the ſaid highways and roads in good repair; making ſuch reaſonable ſatisfaction to the owner or occupier of ſuch ground, which ſhall be ſo laid in or unto the ſaid highways or roads, or through which any ſuch drain or drains ſhall be cut, or on which any ſuch arch or arches ſhall be made, for the damages which he or they ſhall or may thereby ſuſtain, as ſhall be aſſeſſed and adjudged by the next going judge or judges of aſſize, or by the juſtices of the peace, or the major part of them, at the next general aſſizes or quarter-ſeſſions to be holden for the county, in which ſuch ground ſhall be laid into the ſaid highways or roads, or through which any ſuch drains, ditch or ditches, ſhall be cut or made, or on which ſuch arch or arches ſhall be erected or made, or ſuch cauſeways made, in caſe of any difference concerning the ſame; and if any owner or occupier of any water-courſes, ditch or ditches, adjoining to the ſaid highways or roads ſhall neglect or refuſe to ſcour or cleanſe ſuch water-courſes, and to make ſuch ditches ſo deep, and in ſuch manner, as the ſurveyor or ſurveyors ſhall adjudge proper and convenient, after ten days notice ſhall be given for that purpoſe by ſuch ſurveyor or ſurveyors to be appointed, or ſuch perſon or perſons as ſhall be appointed by him or them to ſuch owner or owners, it ſhall and may be lawful to and for the ſurveyor or ſurveyors to ſet any man or men to work to ſcour, or cleanſe, and make the ſame, and by warrant from any five or more of the ſaid truſtees to levy the charges thereof upon the perſons, goods, or eſtates of the owner or owners, occupier or occupiers of ſuch water-courſe, ditch or ditches, by diſtreſs and ſale of his, her, or their goods and chattles, rendring the overplus (if any be) to the ſaid owner or occupier, after all charges paid.

and widen the road, by opening grounds not garden, &c. and make trenches: reaſonable ſatisfaction, to owner,

aſſeſſed, on difference, at aſſizes or ſeſſions.

Surveyors, on neglect of owners after 10 days notice, may cleanſe water-courſes and ditches, 23 G. 2. 16.

and by warrant of 5 truſtees levy the charge.

IX. And foraſmuch as the money ſo to be collected by ſuch receipt of the ſaid toll will not at preſent be ſufficient for the ſpeedy repairing of the ſaid highways or roads: be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any fifteen or more of them, ſhall, and may, and are hereby impowered from time to time by writing under their reſpective hands and ſeals to aſſign over the ſaid toll or duty hereby granted, or any part thereof (the coſts and charges whereof to be born and paid out of ſuch

15 truſtees may aſſign the toll as ſecurity for money borrowed for ſpeedy repair of the road.

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ſuch toll or duty) for any term or time during the continuance of this act, as a ſecurity for any ſum or ſums of money by them to be borrowed for that purpoſe, to ſuch perſon or perſons or their truſtees, who ſhall advance and lend the ſame, to ſecure the repayment thereof with lawful intereſt, or leſs, if the ſame can be ſo had; which ſaid money borrowed ſhall be applied and diſpoſed of, as the ſaid toll or duty is by this act to be applied and diſpoſed of, and to no other uſe, intent, or purpoſe whatſoever.

Perſons delivering ticket of payment at one gate, not liable to pay at another,

X. Provided always, That in caſe there ſhall be more than one gate or turnpike in, croſs, or on the ſide of the ſaid highways or roads between the ſaid town of New-Caſtle in the county of Limerick and city of Cork, no perſon or perſons having paid the toll or duty at the firſt gate or turnpike, through which ſuch perſon or perſons ſhall paſs, and producing a note or ticket that the ſaid toll or duty was paid (which note or ticket the receiver or receivers, collector or collectors, is and are hereby required to give *gratis*) ſhall be liable to pay any toll or duty at any other of the ſaid gates or turnpikes upon or on the ſide of the ſaid highway or road, ſuch perſon or perſons delivering the ſaid note or ticket to the ſaid receiver or receivers, collector or collectors, of the ſaid toll or duty at the latter gate or turnpike the ſame day; and no perſon or perſons having occaſion to paſs the place or places, where the toll or duty is taken, and who ſhall return the ſame day upon or with the ſame horſe, mare, gelding, aſs, mule, cattle, coach, chariot, berlin, chaiſe, chair, calaſh, waggon, cart, car, or other carriage, ſhall be liable or compellable the ſame day to pay the ſaid toll or duty more than once on the ſaid road.

nor returning ſame day with ſame horſe or carriage.

Giver and receiver of a ticket to avoid toll, forfeit reſpectively 10 s.

XI. And for preventing frauds and abuſes in the ſaid toll or duty; be it enacted by the authority aforeſaid, That if any perſon or perſons having paid the toll or duty by this act granted and made payable, and having ſuch note or ticket, notes or tickets, as hereby directed, ſhall give or diſpoſe of the ſame to any other perſon or perſons in order to avoid the payment of the ſaid toll or duty, every ſuch perſon giving, diſpoſing, or offering, and the perſon receiving, ſuch note or ticket, notes or tickets, and being thereof convicted upon oath before the ſaid truſtees, or any five or more of them, or before any one or more juſtice or juſtices of the peace for the county wherein ſuch offence or offences ſhall be committed (which oath the ſaid truſtees or the ſaid juſtice or juſtices are hereby impowered to adminiſter) ſhall reſpectively forfeit and pay the ſum of ten ſhillings; to be levied, recovered, and diſpoſed of as any other penalty or forfeiture is directed to be levied, recovered, and diſpoſed of by this act.

XII. Pro-

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XII. Provided always, and it is hereby declared, That during the continuance of this act all coaches and paſſengers on horſe-back ſhall paſs and repaſs toll-free on the day or days, on which there ſhall be an election for knight or knights of the ſhire to ſerve in Parliament for the ſaid counties of Limerick or Cork, or citizens for the ſaid cities of Limerick or Cork, or for any burgeſſes to ſerve in Parliament for any borough in the ſaid counties reſpectively; any thing herein contained to the contrary notwithſtanding.

Toll free on election days for Limerick or Cork, &c.

XIII. And be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any five or more of them, may and are hereby impowered from time to time, as they ſhall ſee convenient or think fit, to compound or agree by the year or otherwiſe with any perſon or perſons uſing to travel through any of the turnpike or turnpikes, to be erected by virtue of this act, with any milch cows, horſe, mare, or gelding, aſs, or mule, or with any coach, Berlin, calaſh, chaiſe, chair, waggon, cart, car, or other carriage for any ſum or ſums of money, to be paid quarterly from time to time after ſuch agreement ſhall be made.

5 truſtees may compound. 23 *G.* 2. 16.

XIV. Provided alſo, and it is hereby declared, That no perſon ſhall be charged with any of the tolls or duties aforeſaid, who ſhall paſs through any of the turnpikes to be erected by virtue of this act, who ſhall carry any quantity of ſtones, gravel, or other materials for repairing of the ſaid roads, or any of the roads in the pariſhes in which the ſame do lie, or in any of the neighbouring pariſhes; nor ſhall any perſon or perſons be chargeable with the ſaid toll or duty for any carts, cars, or waggons loaded with corn in the ſtraw only; nor for any ploughs, harrows, or other implements of huſbandry, in order to the uſing or repairing the ſame in the ſeveral pariſhes in which the ſaid highways or roads hereby intended to be repaired do lie; nor ſhall any toll or duty be demanded or taken at any of the turnpikes to be erected for any horſe, mare, gelding, aſs, or mule, or other cattle, going to water, or for any poſt-horſe carrying the mail or packet, or for ſuch horſe as is or ſhall be uſed only to ride on by the owner or driver of any waggon, cart, or carriage, provided ſuch horſe paſs through the ſaid turnpike or turnpikes with ſuch waggon, cart, or carriage; nor ſhall any toll or duty be demanded or taken for the horſes of ſoldiers paſſing, that are upon their march, or for waggons, carts, cars, or other carriages attending them, or for horſes, waggons, carts, cars, or other carriages travelling with vagrants ſent by paſſes, or with priſoners tranſmitted from one part of the kingdom to another.

Perſons exempt from toll,

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Continuance 21 years from 25 April 1732.

19 G. 2. 19. continued 34 years, &c. except as altered.

XV. And be it further enacted by the authority aforeſaid, That the toll and duty hereby granted ſhall take place and have continuance only from and after the twenty fifth day of April in the year of our Lord one thouſand ſeven hundred and thirty two for and during the term of twenty one years.

XVI. Provided always, That when ever the ſaid road, leading from the ſaid town of New-Caſtle in the county of Limerick to the city of Limerick, ſhall be ſufficiently amended and repaired, and ſo adjudged by the majority of the truſtees appointed or hereafter to be choſen by virtue of this act, by an adjudication under their hands and ſeals, that then from and after ſuch adjudication made, and re-payment of ſuch money as ſhall have been advanced or borrowed, with intereſt for the ſame, and the coſts and charges thereof, ſuch part of the ſaid tolls and duties, as is hereby directed to be collected upon the ſaid road leading from the ſaid town of New-Caſtle to the city of Limerick, ſhall ceaſe and determine.

unleſs before adjudged by majority of truſtees under hand and ſeal ſufficiently amended,

XVII. Provided alſo, That when ever the ſaid road leading from the city of Limerick to the city of Cork, ſhall be ſufficiently amended and repaired, and ſo adjudged by the majority of the truſtees, appointed or hereafter to be choſen by virtue of this act, by an adjudication under their hands and ſeals, that then from and after ſuch adjudication made, and re-payment of ſuch money as ſhall have been advanced or borrowed with intereſt for the ſame, and the coſts and charges thereof, ſuch part of the ſaid tolls and duties, as is hereby directed to be collected upon the ſaid road leading from the ſaid city of Limerick to the ſaid city of Cork, ſhall ceaſe and determine; any thing herein contained to the contrary notwithſtanding.

Any 5 on death, removal, or refuſing to act, may elect others, living in ſaid counties.

XVIII. And be it further enacted by the authority aforeſaid, That for the continuing of a ſufficient number of fit and able perſons to be truſtees for putting in execution all and every the powers in this act contained for and during the continuance thereof, it ſhall and may be lawful to and for the ſaid truſtees, or any five or more of them, upon the death of any of the ſaid truſtees, or their removal, or refuſing to act in the ſaid truſt, by any writing or writings under their hands and ſeals from time to time, and at all times hereafter during the term aforeſaid, to elect, nominate, and appoint in the room of ſuch truſtee or truſtees ſo deceaſed, removed, or refuſing to act, ſo many more fit and able perſons living in the ſaid counties of Limerick or Cork to be joined with the ſaid truſtees in the execution of all and every the power and powers in them repoſed by virtue of this act; and all and every the perſon and perſons ſo to be choſen truſtee or truſtees,

truſtees to join in putting this act in execution, as they are herein before qualified to do, ſhall, and may, and are hereby impowered to act to all intents and purpoſes in as full, large, and ample manner as the ſaid truſtees are by this act impowered to do, and ſo *toties quoties* as often as occaſion ſhall be or require.

15 truſtees ſhall meet at Kilmallock and Rathkeal reſpectively,

XIX. And be it further enacted by the authority aforeſaid, That fifteen or more of ſuch of the ſaid truſtees, as ſhall act in relation to the road leading from the city of Limerick to the city of Cork, ſhall meet at Killmallock in the county of Limerick on the ſecond Tueſday in the month of May in the year of our Lord one thouſand ſeven hundred and thirty two, and that fifteen or more of ſuch of the ſaid truſtees, as ſhall act in relation to the road leading from the town of New-Caſtle in the county of Limerick to the city of Limerick, ſhall meet at Rathkeal in the ſaid county of Limerick on the third Tueſday in the month of May one thouſand ſeven hundred and thirty two, and the ſaid truſtees ſhall reſpectively adjourn themſelves, and afterwards meet at the ſaid towns of Killmallock and Rathkeal reſpectively, or at any other place or places near the ſaid highways or roads to be repaired, as the ſaid truſtees, or any five or more of them, ſhall think proper or convenient, as often as it ſhall be neceſſary for the putting this act in execution; and if it ſhall happen, that there ſhall not appear at any meeting, which ſhall be appointed to be had or held by the ſaid truſtees reſpectively, a ſufficient number of truſtees to act at ſuch meeting and to adjourn to any other day, then and in ſuch caſe the clerks to the ſaid truſtees by notice in writing, to be affixed at the reſpective gates or turnpikes on ſuch of the ſaid roads, for which a ſufficient number of truſtees ſhall not meet as aforeſaid, at leaſt eight days before the next meeting, ſhall appoint the ſaid truſtees to meet at the houſe, where the meeting of ſuch truſtees was laſt appointed to be held, or at ſome other convenient houſe near the ſaid roads, on the day fortnight next after the day, upon which ſuch laſt meeting of the ſaid truſtees was appointed to have been held, and that the ſaid truſtees at their firſt meeting and at all other ſubſequent meetings ſhall defray their own charges and expences.

adjourn, and meet near ſaid road as often as convenient,

if not ſufficient number, the clerks fixing notice at the turnpikes 8 days before, ſhall appoint meeting a fortnight after.

No acts of truſtees at Kilmallock ſhall bind thoſe at Rathkeal;

XX. Provided always, That no meeting or meetings, adjournment or adjournments, act or acts, had or done by ſuch truſtees ſo meeting at the town of Killmallock, ſhall be of any force as to the ſaid road leading from the town of New-Caſtle to the city of Limerick; nor that any meeting or meetings, act or acts, had or done by ſuch truſtees ſo meeting as aforeſaid at Rathkeal, ſhall be of any force as to the ſaid road leading

nor the contrary.

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leading from the city of Limerick to the city of Cork; any thing in this act to the contrary in any wiſe notwithſtanding.

None having place of profit out of the toll ſhall be truſtee.

XXI. And be it further enacted by the authority aforeſaid, That no perſon or perſons, appointed or to be appointed by this act a truſtee or truſtees for putting this act in execution, ſhall have or accept of any place of profit ariſing out of or by reaſon of the toll or duty by this act laid or granted: but ſuch perſon or perſons ſhall be incapable from the time of accepting and continuing to enjoy ſuch place of profit of acting as a truſtee.

7 G. 2. 20. *no truſtee ſhall contract for the repair.*

Actions laid in ſaid counties only,

XXII. And be it further enacted by the authority aforeſaid, That if any ſuit ſhall be commenced againſt any perſon or perſons for any thing done in purſuance of this act, in every ſuch caſe the action ſhall be laid in the ſaid county of Limerick or county of Cork, and not elſewhere; and the defendant or defendants in ſuch action or actions to be brought may plead the general iſſue, and give this act and the ſpecial matter in evidence at any tryal to be had thereupon, and that the ſame was done in purſuance and by the authority of this act; and if it ſhall appear ſo to be done, or that ſuch action or actions ſhall be brought in any other county, that then the jury ſhall find for the defendant or defendants; and upon ſuch verdict, or if the plaintiff ſhould be nonſuited, or diſcontinue his action after the defendant or defendants ſhall have appeared, or if on any demurrer judgment ſhall be given againſt the plaintiff, the defendant or defendants ſhall and may recover treble coſts, and have the like remedy for the ſame, as any defendant or defendants hath or have in any other caſes by law.

Defendants may plead general iſſue,

and have treble coſts.

A publick act.

XXIII. And be it further enacted by the authority aforeſaid, That this act ſhall be deemed, adjudged, and taken to be a publick act, and to be judicially taken notice of as ſuch by all judges, juſtices, and other perſons whatſoever without ſpecially pleading the ſame.

CHAP.

A. D. 1731.

CHAP. XXIII.

An act for the relief of the creditors of James Mead and George Curtis, late bankers in the city of Dublin.

Mead and Curtis bankers 31 January 1716.

WHEREAS James Mead and George Curtis on the thirty firſt day of January one thouſand ſeven hundred and ſixteen entred into a partnerſhip as bankers to carry on the banking or exchange trade, and dealt and traded as ſuch in divers parts of the world, and contracted, by the credit they had thereby, many conſiderable debts, until on the fourteenth day of June one thouſand ſeven hundred and twenty ſeven the ſaid partners ſtopped payment; after which time, *viz.* on the ſeventh of October one thouſand ſeven hundred and twenty ſeven the ſaid George Curtis died inteſtate, and adminiſtration of all his goods and chattels, rights, and credits, was committed to the ſaid James Mead: and whereas the ſaid James Mead in order to ſatisfy the demands of the ſaid creditors hath agreed, that not only his own real and perſonal eſtate, but alſo the eſtate and effects of the ſaid George Curtis, which had or ſhould come to his hands, ſhould be ſold, and perfected a letter of attorney to John Rathborne of the city of Dublin merchant to call in the debts due to the ſaid James Mead, as adminiſtrator to the ſaid George Curtis, and to ſettle the accounts of the ſaid bank, and to receive any ballance due, and to compound and agree for all debts, which the ſaid James Mead, as adminiſtrator to the ſaid Curtis was intitled unto: and whereas many of the ſaid creditors, whoſe debts amounted to ten thouſand five hundred pounds, agreed that the ſaid James Mead, with the conſent of the ſaid John Rathborne, Boyle Spencer, and Edward Mead, or any two of them, might ſell all the real and perſonal eſtate of the ſaid George Curtis, ſo as the money ariſing by ſuch ſale ſhould be paid only to the ſaid John Rathborne and Boyle Spencer, whom they appointed their truſtees in that behalf, in order to be diſtributed amongſt them ſhare and ſhare alike, provided the ſaid real and perſonal eſtate was ſold within twenty one days; and at the time of ſuch agreement the ſaid creditors delivered their caſh-notes to the ſaid John Rathborne, for which he gave his receipt, and promiſed to divide whatever ſums, he ſhould receive, in equal

Payment ſtopped 14 June 1727.

7 October 1727 Curtis died inteſtate.

Adminiſtration to Mead.

Letter of attorney to John Rathborne.

Agreement by creditors to amount of 10500 l. that Mead may with conſent ſell eſtate of Curtis, to be diſtributed, &c.

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Rathborne desirous to be discharged from the truſt,

distribution amongſt the creditors of the ſaid ſaid bank, with reſpect to their ſaid debts: and whereas the ſaid John Rathborne hath received ſeveral ſums of money by virtue of the ſaid letter of attorney and otherwiſe in purſuance and in execution of the aforeſaid truſt, and hath been at great trouble in collecting the ſame, and in defending and proſecuting ſeveral ſuits both at law and in equity, and otherwiſe, touching and on account of the ſaid truſt, and the affairs of the ſaid partnerſhip; and the ſaid John Rathborne being aged and infirm, and deſirous to be diſcharged from the ſaid truſt, and to deliver up the ſaid notes, and all deeds, writings, papers, and effects, in his power or cuſtody, relating to the affairs of the ſaid partnerſhip, or belonging to the ſaid James Mead, and to account for the ſums by him the ſaid John Rathborne received as aforeſaid, and to pay over the ballance remaining in his hands, after defraying his ſaid expences: and whereas on account of the many creditors of, and debtors to, the ſaid James Mead and George Curtis many ſuits both in law and in equity may ariſe concerning the ſame, to the great delay, expence, and trouble of the ſaid creditors: wherefore, to prevent ſuch multiplicity of ſuits, and for applying the value of the eſtate real and perſonal as well of the ſaid James Mead, as of the ſaid George Curtis, in ſatisfaction of their debts, your Majeſty's moſt dutiful ſubjects James lord viſcount Charlemount, William Campbell, Richard Tighe, Thomas Prior, Benjamin Barrington, George Johnſton, John Bayley, Richard Mathews, James Walſh, Thomas Luttrell, Darby Gaffny, and John Rathborne, in behalf of themſelves and ſeveral other perſons creditors of the ſaid James Mead and George Curtis, have humbly prayed that it may be enacted, and be it enacted, by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and ſingular the mannors, lands, tenements, hereditaments, rents, reverſions, remainders, uſes, truſts, and leaſes for lives, whereof the ſaid James Mead and George Curtis were, or either of them was, ſeized or intitled unto either at law or in equity on the fourteenth day of June one thouſand ſeven hundred and twenty ſeven, or at any time ſince, and which the creditors of the ſaid James Mead and George Curtis then had a right to have applied in diſcharge of their debts, and alſo all debts which are not really and *bona fide* paid or diſcharged, and were then due to the ſaid James Mead in his own right, or to the ſaid George Curtis in his own right, or which they as partners

to prevent multiplicity of ſuits,

at the petition of ſeveral creditors,

all the eſtate of ſaid bankers veſted in truſtees, to ſell, &c. for payment of their debts.

partners were intitled to, or which the ſaid James Mead at any time was intitled unto as adminiſtrator to the ſaid George Curtis, or ſo much thereof as hath not been really and *bona fide* paid or diſcharged, and likewiſe all the chattels real and perſonal, which the ſaid James Mead in his own right at the time aforeſaid, or at any time in right of the ſaid George Curtis as his adminiſtrator, was or is poſſeſſed of, intereſted in, or intitled unto, except ſuch ſum or ſums of money as have been ſince *bona fide* paid in the diſcharge of any debt or debts due by the ſaid James Mead and George Curtis, or either of them, ſhall according to ſuch right, title, intereſt, or eſtate which the ſaid George Curtis and James Mead, or either of them had, or were intitled unto, in, or to the ſame, and not otherwiſe, be, and are hereby veſted, ſettled, adjudged, and declared to be veſted and in the ſeizin and poſſeſſion of the right honourable John Rogerſon eſquire, lord chief juſtice of his Majeſty's court of King's-bench, the right honourable Thomas Marlay eſquire, lord chief baron of his Majeſty's court of Exchequer, the honourable Robert Dixon eſquire, one of the juſtices of his Majeſty's court of Common-pleas, Robert Jocelyn eſquire, his Majeſty's attorney general, John Bowes eſquire his Majeſty's ſollicitor general, Francis Stoyte eſquire, recorder of the city of Dublin, Thomas Trotter eſquire doctor of laws, William Veſey eſquire, one of the maſters in his Majeſty's high court of Chancery, Thomas Staunton eſquire, one other of the maſters of the ſaid court, Thomas Jackſon of the city of Dublin eſquire, Richard Dawſon and James Somervill aldermen of the city of Dublin, whereof three are to be a *quorum*, of which one of the ſaid judges, or King's council, or recorder, are always to be one, truſtees nominated and appointed by this act to ſell and diſpoſe of the ſaid real eſtate and chattels real and perſonal, and to call in, compound, or recover the ſaid debts due to the ſaid James Mead and George Curtis for payment of the debts due from the ſaid James Mead and George Curtis. A. D. 1731. Chap. 23.

II. Provided always, That nothing in this act ſhall extend, or be conſtrued to extend, to impeach, prejudice, or defeat any deed, conveyance, or aſſignment, made by the ſaid James Mead and George Curtis, or either of them, whereby any creditor or creditors of the ſaid James Mead and George Curtis, of either of them, is, was, or were ſecured, or intended to be ſecured, any real or juſt debt due to them or any of them, by the ſaid James Mead and George Curtis, or either of them: but that the ſame ſhall continue, remain, and be in the ſame force, plight, and condition, Not to prejudice conveyances by them to ſecure juſt debts,

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on, as if this act had never been made; any thing herein contained to the contrary thereof in any wise notwithstanding.

nor claims under *fieri facias*;

III. Provided also, That this act shall not extend, or be construed to extend, to divest, impeach, prejudice, or defeat any estate, right, title, or interest, which any person or persons is, can, or may be intitled unto, claim, or demand into or out of any chattel real or personal of or belonging to the said James Mead and George Curtis, or either of them, by virtue of any sale or sales made pursuant to or under any *fieri facias* issued out of any of his Majesty's courts of record in Dublin against the said George Curtis and James Mead, or either of them, or which any person or persons is, are, can, or may be intitled unto, claim, or demand into or out of any the real estate of the said James Mead and George Curtis, or either of them, by virtue of any *elegit* issued out of his Majesty's said courts of record; any thing herein contained to the contrary in any wise notwithstanding.

or *elegit*.

Creditors by 1 Nov. 1732, shall exhibit claims before the trustees,

IV. And be it enacted by the authority aforesaid, That all and every the creditor and creditors of the said James Mead and George Curtis do and shall on or before the first day of November, which will be in the year one thousand seven hundred and thirty two, enter and exhibit his and their claim or claims before the said trustees, setting forth their said debts, and the nature thereof, and how much is and shall at the time of exhibiting their said claims be and remain justly due to them respectively for principal and interest, over and above what he or they hath or have already received; which claim or claims the said trustees, or any three or more of them as aforesaid are hereby impowered to receive, examine, and determine; and that the said trustees, or any three or more of them as aforesaid, in order to the better execution of the said trust in them reposed, and of the powers hereby given, shall and may examine upon oath all such witnesses, as shall be produced before them for or against such claimant or claimants, and at the request of any of the parties concerned may by order under the hands of the said trustees, or any three or more of them as aforesaid, require and compel any witness or witnesses to appear and give their testimony before them, and may likewise examine the said claimant or claimants upon oath concerning the truth of the matters contained in their said respective claims, or any other matter relating thereunto; which said oath or oaths they are hereby impowered to administer as well to the said witness or witnesses as to the said claimant or claimants, and shall and may state and settle accounts

who may examine on oath,

with

with the ſaid ſeveral creditors, or any of them, touching or concerning his, her, or their ſaid claims and demands, and the ſeveral ſums already by them, or any of them, had or received on account of their ſaid debts, and thereupon adjudge and determine how much is and ſhall then be really due and juſtly payable to ſuch creditor or creditors ſo claiming, and (if required) ſhall certify the ſame under their hands and ſeals or under the hands and ſeals of any three or more of them, as aforeſaid; and that thereupon ſuch creditor or creditors, whoſe ſaid claim or claims ſhall be ſo exhibited and ſettled or determined, ſhall be intitled to no more in full diſcharge and ſatisfaction of all his and their ſaid debts, claims, and demands, than the ſaid ſum or ſums ſo ſettled or certified to be due to him or them by the ſaid truſtees, or any three or more of them, as aforeſaid.

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and ſettle accounts, and certify, if required.

Claimants intitled to no more.

V. Provided always, and be it enacted by the authority aforeſaid, That if the ſaid claimant or claimants, or any of the ſaid creditors, amongſt whom the eſtate or effects of the ſaid James Mead and George Curtis are to be divided, ſhall think him, her, or themſelves aggrieved by any judgment or determination of the ſaid truſtees of or concerning any debt, or the *quantum* thereof, or the ſtating or ſettling the account thereof; that then it ſhall and may be lawful to and for ſuch perſon or perſons by petition to the lord chancellor, lord keeper, or commiſſioners of the great ſeal, or commiſſioners for hearing cauſes in the Chancery in this kingdom for the time being, at any time within the ſpace of thirty ſucceſſive days after ſuch judgment or determination pronounced to appeal from ſuch judgment or determination; the matter of which appeal ſhall be determined by ſuch lord chancellor, lord keeper, or commiſſioners as aforeſaid, in a ſummary way; who may oblige every perſon, in whoſe power or cuſtody any deeds or writings ſhall be relating to the matter of ſuch appeal, to lay the ſame before him or them in ſuch reaſonable time as he or they ſhall think fit, under the penalty of ſuch fine or impriſonment, for ſuch time, as he or they ſhall think reaſonable; and if ſuch party or parties ſo appealing ſhall not obtain any judgment or decree of ſuch lord chancellor, lord keeper, or commiſſioners for reverſing or varying ſuch judgment or determination of the ſaid truſtees within the ſpace of three calendar months, then the ſaid former judgment and determination to ſtand and remain in force: but if any alteration ſhall be made therein, then the judgment or decree of ſuch lord chancellor, lord keeper, or commiſſioners as aforeſaid, ſhall be final and concluſive, as well to all parties concerned, as to the truſtees for executing this act, and ſhall be obſerved and obeyed by them.

Appeal to Chancery in 30 days after,

where determined in ſummary way,

and deeds or writings produced on pain of fine and impriſonment,

the former judgment to ſtand, if not reverſed in 3 months.

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Creditors not taking benefit of this act, nor exhibiting claims, nor obtaining adjudication in 9 months after, barred.

VI. And be it enacted by the authority aforeſaid, That all and every the ſaid creditor or creditors, who ſhall not take the benefit of this act, and ſhall not before the ſaid firſt day of November in the year one thouſand ſeven hundred and thirty two exhibit their claim or claims before the ſaid truſtees as aforeſaid, and obtain allowances thereof or adjudications thereupon under the hands and ſeals of the ſaid truſtees, or any three or more of them as aforeſaid, within the ſpace of nine months from the time of exhibiting their ſaid claim or claims, ſhall be, and are hereby declared and adjudged to be, utterly barred of any remedy for the recovery of his, her, or their debt or debts either in law or equity out of all or any of the eſtate or effects hereby veſted in the ſaid truſtees as aforeſaid due notice thereof being given before the firſt day of May one thouſand ſeven hundred and thirty two by poſting an advertiſement on the Tholſel and Four courts of Dublin, and cauſing the ſame to be publiſhed for three weeks together in the Dublin Gazette, or ſome other publick news-paper to be appointed by the ſaid truſtees, or any three or more of them.

Notice before 1 May 1732 to be poſted, and publiſhed in Gazette, &c.

Adjudication of 3 truſtees concluſive,

but ſubject to ſaid appeal.

VII. And be it enacted by the authority aforeſaid, That all and every the adjudication, judgment, and determinations of the ſaid truſtees, or any three or more of them as aforeſaid, upon the ſaid claim or claims, or concerning the debts or demands of the ſeveral creditors, ſhall be, and are hereby declared and adjudged to be, finally and abſolutely concluſive to the ſaid creditors; and alſo to all and every other perſon or perſons claiming or to claim all or any part of the eſtate or effects of the ſaid James Mead and George Curtis, ſubject only to ſuch appeals as aforeſaid; and that all and every the creditor and creditors, who ſhall claim his, her, or their debt or debts in manner aforeſaid, and whoſe claim or claims ſhall be examined, adjudged, and determined by the ſaid truſtees, or any three or more of them as aforeſaid, ſhall never after have or recover any more, than ſhall be adjudged to be due to him, her, or them reſpectively by the ſaid truſtees, or on ſuch appeals as aforeſaid, nor reſort to any collateral or other ſecurity or ſecurities for the payment of any other ſum whatſoever, which he, ſhe, or they, have got from the ſaid James Mead or George Curtis for the ſecuring of their ſaid debts.

Claimants never to recover more, nor reſort to collateral ſecurity.

3 truſtees, after 3 months notice, may ſell by publick cant, and convey together or in parcels;

VIII. And be it enacted by the authority aforeſaid, That after the ſaid creditors demands are aſcertained as aforeſaid, the ſaid truſtees, or any three or more of them, may, by publick cant, after three months previous notice thereof being poſted up at the Tholſel and Four courts of Dublin, and publiſhed in the Dublin

Dublin Gazette, or any other publick news-paper to be appointed by the ſaid truſtees, or any three or more of them, ſell and diſpoſe, and by ſufficient aſſurances in the law convey all and ſingular the ſaid lands, tenements, and chattels, of the ſaid James Mead and George Curtis, or either of them, together or in parcels, as they ſhall think moſt expedient; and the money ariſing by the ſaid ſale or ſales, as the ſame is received, firſt deducting the expences of this act, and all other reaſonable charges to be aſcertained by the ſaid truſtees, or any three or more of them, ſhall be paid to ſuch creditors, as have aſcertained their demands, in proportion and by equal diſtribution according to the quantity of their reſpective debts.

and pay, after deducting charges, according to the debts.

IX. And be it enacted by the authority aforeſaid, That all the ſaid lands and premiſſes, which ſhall be ſold by virtue of this act, and every part and parcel thereof, ſhall for ever thereafter be held and enjoyed by the ſeveral and reſpective purchaſers thereof under this act freed, and abſolutely acquitted, and for ever diſcharged of and from all titles, claims, challenges, eſtates, incumbrances, and demands of the ſaid James Mead and George Curtis, and of and from all and every the debts and demands of the ſaid ſeveral creditors, or any of them, or of any perſon or perſons claiming or deriving any eſtate, right, title, or intereſt, by, from, or under them, or any of them; any thing herein contained to the contrary thereof in any wiſe notwithſtanding.

The purchaſers to hold free from all demands under ſaid bankers.

X. And be it enacted by the authority aforeſaid, That the ſaid truſtees, or any three or more of them, may and are hereby authorized to ſtate and ſettle accounts with the ſaid John Rathborne, his executors or adminiſtrators, touching the ſums by him received and expended as aforeſaid, in the manner herein before preſcribed for ſettling the accounts of the creditors; which accounts ſo ſtated with the ſaid John Rathborne, his executors or adminiſtrators, ſhall be final and concluſive as well to the ſaid John Rathborne, his executors and adminiſtrators, as to the ſaid James Mead, and all the creditors of the ſaid James Mead and George Curtis; and that upon the ſaid John Rathborne, his executors and adminiſtrators, delivering over unto the ſaid truſtees, or any three or more of them, the ſaid notes, and all deeds, papers, writings, and effects in his or their poſſeſſion or power, relating to the affairs of the ſaid James Mead and George Curtis, and paying what ballance (if any) ſhall appear on the ſtating and ſettling of the ſaid accounts to be in his hands, after defraying his ſaid expences, to the ſaid truſtees, or any three or more of them, he

3 truſtees may ſettle accounts with Rathborne,

which ſhall be final.

Rathborne diſcharged, on delivery of deeds, &c. and paying ballance.

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he the ſaid John Rathborne, his executors and adminiſtrators, and his and their goods and chattels, lands and tenements, ſhall be from thenceforth for ever diſcharged and freed of and from the ſaid truſt, and from all claims and demands whatſoever of the ſaid James Mead, or the ſaid creditors, or any other perſon on account thereof, and on account of the receipts by him given for the caſh-notes herein before mentioned; and that the ſaid truſtees, or any three or more of them, ſhall be and are hereby impowered on the ſaid John Rathborne, his executors or adminiſtrators, delivering to the ſaid truſtees, or any three or more of them, the ſaid papers, deeds, writings, and effects, and paying the ſaid ballance as aforeſaid, to certify the ſame under their hands and ſeals, and to deliver ſuch certificate unto the ſaid John Rathborne, his executors or adminiſtrators; and that the ſaid truſtees, or any three or more of them, be authorized to allow unto the ſaid John Rathborne, his executors or adminiſtrators, any ſum or ſums of money for his trouble and care in the execution of the ſaid truſt, which to them ſhall ſeem reaſonable, not exceeding the ſum of twelve pence *per* pound for the ſums by him received as aforeſaid, or ſuch other ſums as he ſhall receive before the commencement of this act.

Truſtees to give certificate to him,

and make him allowance, not above 1 s. *per* pound.

XI. And be it enacted by the authority aforeſaid, That the ſaid truſtees, or any three or more of them as aforeſaid, may appoint one or two perſon or perſons to officiate under them in the execution of this act in the place or capacity of regiſter or regiſters; who ſhall keep books, and make and keep regular entries of all their proceedings in execution of this act, and in particular of all the ſaid claims and adjudications, and of all matters relating thereunto; and that the ſaid regiſter or regiſters ſhall have ſuch reaſonable allowance for his or their ſaid ſervice or ſervices out of ſome part of the money ariſing by the ſaid ſale or ſales, or other the effects of the ſaid James Mead and George Curtis, as the ſaid truſtees, or any three or more of them, ſhall by writing under their hands and ſeals direct and appoint; and that the ſum of twelve pence in the pound, which ſhall ariſe out of or by means of the ſaid ſale or ſales, or any other the effects of the ſaid James Mead and George Curtis, ſo veſted in the ſaid truſtees by virtue of this act, over and above the charges of obtaining the ſame, and over and above all other the reaſonable expences in and about putting the ſame in execution, ſhall be allowed and paid to the ſaid truſtees, or ſuch of them as ſhall attend the execution of this act, and that no more be expended in execution of this truſt, for and towards

3 truſtees may appoint regiſters,

with reaſonable allowance.

1 s. *per* pound allowance to truſtees, or ſuch as attend, beſides charges.

towards the expence, trouble, and charge of the ſaid truſtees in attending the ſame; and that the ſaid truſtees, or any three or more of them, may and they are hereby authorized to call in and receive, or compound, and in default of payment in the name of the ſaid truſtees, or any three or more of them, to ſue for and recover all the debts due to the ſaid James Mead and George Curtis, and each of them, of what nature or kind ſoever, and at what time ſoever contracted, to be diſtributed in manner aforeſaid as the ſame ſhall be paid in, firſt deducting thereout all ſuch reaſonable charges attending the recovery of their ſaid debts, as ſhall be allowed by the ſaid truſtees, or any three or more of them; and that the ſaid truſtees ſhall be accountable only for what they reſpectively receive, and not one of them for the receipts of any other of the ſaid truſtees.

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3 truſtees may call in, or compound, debts to the bankers;

accountable only for their reſpective receits.

XII. And be it enacted by the authority aforeſaid, That out of the firſt money, which ſhall be received by or paid to the ſaid truſtees in purſuance of this act, the expence of paſſing this act and all diſburſements attending the ſame, or which were or ſhall be made on account thereof, ſhall be paid, and that in order thereto a particular account of the ſaid diſburſements be and ſhall be laid before the ſaid truſtees, or any three or more of them, as aforeſaid, who ſhall examine the ſaid particulars and order the payment thereof, or ſo much thereof as to them ſhall ſeem reaſonable, to the perſon or perſons, who ſhall appear to them to have expended the ſame.

Expences of this act to be firſt paid;

Account thereof to be examined by the truſtees.

XIII. And be it enacted by the authority aforeſaid, That this act, and all and every clauſe and part thereof, ſhall be deemed and taken notice of in all courts of law and equity in this kingdom as a publick act of Parliament.

a publick act.

XIV. Provided always, That this act ſhall not extend, or be conſtrued to extend, to diveſt, impeach, prejudice, or defeat any eſtate, right, title, or intereſt, claim, or demand, either in law or equity, which Rowland Singleton clerk, John Singleton clerk, Henry Singleton, and Robert Lindſay of the city of Dublin eſquires, any or either of them, hath or have in or to the town and lands of Staleban, *alias* Newtown Staleban, lying and being in the lordſhip of Melifont, barony of Ferrard, and county of Lowth, and the rectorial tythes thereof, the rectorial and impropriate tythes of Newtown Paſs Plunket in the ſaid barony and county, and a plot or parcel of ground extending itſelf along the wall in the town of Drogheda, from the totting tower to the lord primates houſe, the houſe or tenement in Weſt-ſtreet in the ſaid town of Drogheda, wherein the ſaid James Mead dwells,

not to prejudice the right or claim of certain perſons named.

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dwells, all which ſaid premiſſes were held by leaſe for years yet unexpired from Henry late earl of Drogheda deceaſed, and two houſes or tenements with the back-ſide and garden, and the rights, members, and appurtenances to them ſeverally belonging, formerly in the poſſeſſion of Edward Knight and Edward Cheſhire, and now in the poſſeſſion of William Ogle, his under-tenants or aſſigns, lying and being in Weſt-ſtreet in the ſaid town of Drogheda; any thing herein before contained to the contrary thereof in any wiſe notwithſtanding.

Saving the right of Martha Wilſon,

XV. Saving always unto Martha Wilſon widow ſuch right, title, and intereſt, as ſhe may have by virtue of an indorſement ſigned by the ſaid George Curtis the ninth of September one thouſand ſeven hundred and twenty ſeven upon a bond, perfected unto the ſaid George Curtis by Eaton Stannard eſquire for one thouſand four hundred pounds *ſterling*, conditioned for payment of ſeven hundred pounds; for recovery of which ſhe hath filed a bill in his Majeſty's high court of Chancery in Ireland againſt the ſaid James Mead and Eaton Stannard.

and of Anne Curtis the widow.

XVI. Saving alſo, and reſerving unto Anne Curtis widow all ſuch right or title as ſhe hath by virtue of her marriage articles, or decree of his Majeſty's high court of Chancery in this kingdom, and ſuch dower as ſhe is by law intitled to recover out of the real eſtate, which the ſaid George Curtis was ſeized of at any time during the coverture between him and the ſaid Anne.

After-purchaſed eſtate of Mead diſcharged from all partnerſhip debts, on his ſubmitting to be examined on oath, making full diſcovery, and delivering ſo much as in his power, neceſſary apparel excepted.

XVII. And be it further enacted by the authority aforeſaid, That from and after the paſſing of this act the ſaid James Mead, and all the eſtate real or perſonal which he ſhall after purchaſe or acquire, ſhall be abſolutely freed, exonerated, and diſcharged of, and from all debts, ſum and ſums of money due and owing to any creditor or creditors of the ſaid George Curtis and James Mead as partners, upon his the ſaid James Mead's ſubmitting to be examined upon oath before the ſaid truſtees, or any three or more of them, and upon ſuch examination making a full and true diſcovery of all the eſtate and effects he is intitled to in his own right, or as adminiſtrator to the ſaid George Curtis, and delivering, or cauſing to be delivered, ſo much thereof as at the time of ſuch examination ſhall be in his cuſtody or power (his neceſſary wearing-apparel excepted) to the ſaid truſtees, or any three or more of them, for the uſes mentioned in this act; which oath the ſaid truſtees, or any three or more of them, are hereby impowered to adminiſter.

XVIII. And

XVIII. Saving and reſerving unto the King's moſt excellent Majeſty, his heirs, and ſucceſſors, and to all and every other perſon or perſons, bodies politick and corporate, other than the ſaid James Mead, his heirs, executors and adminiſtrators, and other than the heirs, executors, and adminiſtrators of the ſaid George Curtis, and other than the ſeveral and reſpective creditors of the ſaid James Mead and George Curtis, or either of them, as to their reſpective debts and demands; and all perſons claiming or to claim any eſtate, right, title, or intereſt by, from, or under ſuch creditors, or any of them, in reſpect of ſuch debts or demands, all ſuch right as they, or any of them, may have or claim in or to the premiſſes, as if this act had never been made. A D. 1731. Chap. 23. Saving the right of others.

The END of the FIFTH VOLUME.

THE END OF THE FIRST VOLUME.